

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 10/29/58

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF SOUTHERN CALIFORNIA,
SAN DIEGO CHAPTER
IS - C
(OO:SD)EX. 21243
REC-81/P

Re San Diego letter to Director dated 8/19/58. b7D

On 9/18/58 Former [] who has furnished reliable information in the past, made available Volume 7, No. 1, of the September 1958 issue of the San Diego American Civil Liberties Union (ACLU) Newsletter.

Instant Newsletter contained an article entitled "Meet Your Board" which contained thumbnail sketches of the following ACLU Officers:

President
Vice President
Secretary
Treasurer

HARVEY FURGATCH
JOHN RUSKIN CLARK
MARGARET MCCONNELL
W. T. (BILL) BURCH

IRWIN GOSTIN, 338 W. Broadway is described as Chairman of the Lawyer's Panel. Persons were urged to present "civil liberties" cases to him and he would assign one of "our lawyers" to investigate it, and if this lawyer feels that the case merits further investigation he will report his findings to A. L. WIRIN, chief counsel for the ACLU in Southern California and Dr. EASON MONROE, Director of the Los Angeles Office, ACLU. However, for those who prefer to go in person and consult with a member of the lawyer's panel, the following names were listed:

HUGO FISHER
EDMUND HERMAN
LOUIS KATZ
JOHN W. PORTER
ROBERT STANFORTH

IRWIN GOSTIN
CHARLES KARPINSKI
BYRON LINDSLEY
TOM SHERRARD

3 - Bureau
1 - San Diego

REC-55

61-190-718

RPC: []
(4) 30 OCT 30 1958

25 OCT 20 1958

EX-101

INT. SEC.

A.B. FIPP
Cp3

SD 100-478

The Newsletter reflected that GOSTIN and PORTER have prepared a memorandum on the case of Pvt. PETER GREEN, a Camp Pendleton Marine, "who has suffered various disabilities as a result of his appeal for status as a conscientious objector. Our lawyers urge ACLU to enter the case since in their judgement it raises in sharp form issues of freedom of conscience and of speech in a setting of encroaching military control over civilian matters. Their memorandum is in A. L. WIRIN's hands now. This pot may begin to bubble soon. Keep an eye out for further developments."

*File
Camp
19-115
709*

[redacted] Harvard University, Cambridge, Massachusetts on 3/9/53 advised that IRWIN GOSTIN joined the Harvard unit of the Communist Party in the middle of the 1948-49 academic year at Harvard University at Cambridge, Massachusetts. The length of time that GOSTIN was a Communist Party member was not known to [redacted] identity should be protected.

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[redacted] California (CONFIDENTIAL BY REQUEST) advised on 9/17/51 that he had been a member of the Engels Club of the Los Angeles County Communist Party from late 1946 to mid-1948. [redacted] stated that at the time he joined the Engels Club, JOHN W. PORTER, attorney, was a member of the same club. PORTER transferred out of the Engels Club within several months after [redacted] had joined.

Instant Newsletter contained the following article:

"CALLING IRATE CITIZENS"

"Have you been stopped and searched (without a search warrant) by the Border Patrol? They can't do that to you! Who says so? AL WIRIN says so. After leaving San Diego last April following the Spanish seamen benefit dinner, he and his son were stopped and searched. It made him angry. And when AL WIRIN gets angry, things happen. He is planning a suit for damages. He may seek an injunction against the Border Patrol.

"How can you help? Let AL know if anything of the sort has happened to you. He wants to build up a file of similar cases. Write him directly: A. L. WIRIN, Attorney at Law, 257 So. Spring St., Los Angeles 12.

SD 100-478

Do so right away, for he is eager to get under way on it. This is a good time to strike, in the light of the rap on the knuckles the U. S. Court of Appeals administered the Immigration Dept. for using that "sham" parole order in the Spaniard's case.

"Be sure to include full details."

An appeal was made for employment for CARL CALLENDER, 532 C Elder Drive, Chula Vista, who was dismissed from his employment as a San Diego County Park Warden for refusal to talk to the HCUA.

The Bureau will be kept advised of any Communist infiltration in the San Diego Chapter of the ACLU.

65-27372
JAN 20 1965
RECEIVED
FBI

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 10/24/58

FROM : G. A. Nease

**SUBJECT: SMEAR CAMPAIGN AGAINST
DIRECTOR - 1958**

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b7C

Tolson _____
 Belmont _____
 Mohr _____
 Nease _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

Irving Ferman of the American Civil Liberties Union was in this afternoon. He stated that earlier this week when he was in New York he had discussed the smear campaign at some length with Victor Riesel. He stated that as I already knew Riesel is very bitter against [] and feels that the whole thing is inspired by the communists and that Hoffa is probably also tied into the matter. He stated Riesel had no reason for connecting Hoffa other than the fact that he had made a crack about the Bureau recently. Riesel is convinced, however, that we should not attempt to answer the "Nation" article.

with Ferman stated he was going to talk further with Jack Wren, who is one of the large New York advertising firms and it is his responsibility to keep posted and advise advertising people concerning those persons with communist backgrounds. He said Wren has unusually good contacts in New York and may be able to assist in this matter.

Ferman stated that if it appears that the current smear on the part of "Nation," the Emergency Civil Liberties Committee group, and the New York Post is going to snowball, our best defense will be from the honest liberals of which he is sure there are several who would immediately come to the Bureau's defense. He said the best answer to the intellect^{ual}, of course, was to keep emphasizing that problems are not solved by hitting at individuals and that in turn the FBI treatment of individuals is not subject to criticism and that the criticism of the FBI comes from groups rather than individuals. He stated it is well to point out that the security program was delegated to the FBI and that naturally, in carrying out this security program the Bureau must deal with individuals as would anybody else who had this same responsibility but here again the criticism does not come from individuals but comes from groups.

Ferman will continue to be active in this regard and will keep me advised.

GAN:hpl
(4)

NOT RECORDED
184 OCT 30 1958

ORIGINAL COPY FILED IN

57 NOV 3 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: October 28, 1958

FROM : G. A. Nease

b6
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Tolson _____
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 Mohr _____
 Nease _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SUBJECT: AMERICAN CIVIL LIBERTIES UNION (ACLU)

At 10:20 a.m. today [redacted] who identified himself as the [redacted] the Chicago Chapter of the ACLU, telephoned and talked to Wick. He said the ACLU is preparing a treatise on police practices in Chicago with the point in view of criticizing the police practice of rounding up individuals, questioning them and attempting, through a fishing expedition, to determine who is the culprit. [redacted] desires to draw a comparison between the efficiency of the police and the FBI as it relates to the practice of making arrests only after sufficient evidence is obtained, presentation to a prosecutor of such evidence and the subsequent receipt of authority to make the arrest. [redacted] said he is familiar with the FBI's operations and splendid record but he would like to set forth in the treatise any public statements Mr. Hoover has made regarding our procedures in this matter. He said there is no question in his mind whatsoever that the policies of the FBI in arrest matters hold to the very minimum the likelihood of an innocent person being arrested. He asked that he be called on Andover 3-6883 in Chicago if we have any such material available.

OBSERVATION:

While normally it would be to the Bureau's advantage to set forth our policy with respect to arrest procedures such as investigation of the allegation, presentment to the U. S. Attorney, filing of an authorized complaint, receiving the warrant and making the arrest, it is believed in this instance we should not become involved. It is obvious that the ACLU will use any statement we make or any statement the Director has, in the past, made publicly, to point up the shortcomings of the Chicago Police Department.

RECOMMENDATION:

That Wick inform Mr. [redacted] who asked that he be called collect, we do not recall any specific statements by Mr. Hoover directly in point, and therefore, cannot be of assistance to him. [redacted] is familiar with the fact that in the normal course of events we only make arrests following the filing before a U. S. Commissioner of a complaint previously authorized by the U. S. Attorney. This should be sufficient for his purposes without quoting from any statement Mr. Hoover may have made in this same connection.

1 - Mr. Jones

REW:sak

52 NOV 6 1958

10-24-58

EX - 133

REC-6

NOV 5 1958

CRIME REC

AIRTEL

F B I

Date: 11/13/58

Transmit the following in _____

(Type in plain text or code)

Via **AIRTEL****AIR MAIL**

(Priority or Method of Mailing)

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Nease	✓
Mr. Parsons	✓
Mr. Rosen	✓
Mr. Tamm	✓
Mr. Trotter	✓
Mr. W. Sullivan	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

TO : DIRECTOR, FBI

FROM : SAC, LOS ANGELES (100-3267)(100-41016)

SUBJECT: ① AMERICAN CIVIL LIBERTIES UNION
IS - C
Internal Security - Communist
CITIZENS COMMITTEE TO PRESERVE
AMERICAN FREEDOMS (CCPAF)
IS - C

On 11/12/58 [redacted] furnished to SA [redacted]
[redacted] a copy of a letter which was maintained in the files
of the CCPAF. This letter is quoted below as follows:

"CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

"Los Angeles, Oct. 30, 1958.

[redacted]
American Civil Liberties Union
2863 W. 9th St.
Los Angeles 6, Calif.

- ⑥ - Bureau
(3 - ACLU file)
(3 - CCPAF file)
2 - Los Angeles
(1 - 100-3267)
(1 - 100-41016)

RHB:slb
(8)

AIRTEL

Approved: *OK Brown*
Special Agent in Charge

Sent _____ M Per _____

Included in memo to 440, 11/13/58
 11/18/58 "Citizens Committee to
 Preserve American Freedoms"

REC-124

61-190-720

NOV 15 1958

INT/SEC

Central

LA 100-3267
LA 100-41016

b6
b7C

"Dear Mr. [REDACTED]:

"I have your letter of Oct. 26. As I have informed my constituents, it is my intention to cooperate in the offering of a resolution to the Democratic Caucus, and then on the Floor of the House, to eliminate the UnAmerican Activities Committee as one of the standing committees of the House of Representatives.

"I further intend to cooperate in the offering of a resolution to instruct the House Judiciary Committee to undertake a study of the need for the strengthening of our laws against actions which have intimidated and restricted the civil rights of American citizens by the use of force, economic or otherwise, and restrict their further investigation only into whether there exists sufficient legislation to prevent organizations advocating the overthrow of the United States Government by force, whether financed or directed from within or without the United States, from operating.

"I personally believe there is ample legislation on the latter matter now upon the statute books but a firm decision and reconsideration should be made on the latter matter at an early date...

"Sincerely yours

James Roosevelt"

It should be noted that, although this letter was addressed to the ACLU, a copy was apparently sent to the CCPAF.

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.

November 4, 1958

To: Academic Freedom Committee.

From: Louis M. Hacker

|| NOTES ON THE F.B.I. ETC. AND CONDUCT OF STUDENTS

1. The regular enquiries government agencies (F.B.I., Secret Service, Counter-Intelligence, CIA) make of professors and administration concerning conduct of job applicants and "security risks," when these were students in residence, invades the sanctuary of the university where, it may be said, the university is in loco parentis as well.

2. Administrators (deans, deans of men, assistants to the dean) have been increasing in enormous proportions and all of these collect "raw files" on students which go far beyond simply records of academic performance. Students who get into fracas of all sorts, are associated with activities which either do or do not require discipline, antagonize professors, are suspected or accused of homosexuality, are regarded as unstable (perhaps only because they are unduly argumentative in class) end up with long files which administrators consult when subsequent inquiries are made about them.

3. Inquiries these days, from government agencies and other sources, concern themselves not only with academic performance and habits of work but with "character" and "personality traits" (trustworthiness, ability to get on with peers and superiors, emotional stability, etc., etc.)

4. Such inquiries and such "raw files" may be among the reasons for so-called conformity among students today.

5. Every effort must be made to encourage the freedom of students as they experiment with ideas, association, writing (on and off the campus), etc. in a climate of complete security from outside interference or currently or subsequently.

6. To protect students from subsequent inquiry, "raw files" should be destroyed after residence or graduation, only records of academic performance being retained and of disciplinary action only if due process has been fully maintained.

7. It is questionable whether administrators and professors should answer questions about "character" and "personality traits" concerning young persons who when students were still in their formative years, (to many deans, deans of men, etc., etc. are engaging in psychiatric judgments -- for which they have no skills -- when discussing "character" and "personality traits.")

8. It is suggested, for purposes of discussion here, that comments be confined

ENCLOSURE

exclusively to academic performance and habits of work (and on this latter only when positive judgments can be made based on familiarity and not random observations).

We should also give attention to the intrusion of government agents on the campuses of universities for the purpose of maintaining surveillance of foreign students. Such intrusion includes contacts with other students in an effort to obtain information about classroom attitudes, social life off the campus, etc. In short, F.B.I., etc., establish "contacts" with other students (frequently foreigners themselves, whom they can compel to be their agents) and thus obtain reports on students under surveillance and perhaps even on professors as well.

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.

November 4, 1958

To: Academic Freedom Committee

From: H. Harry Giles

b6
b7C

Re: F.B.I. (Copy of Letter by Mr. to Dr. Louis Hacker)

Dear Louis:

At your invitation, I would like to set down a few points that I have considered with respect to the problem confronting professors and administrative officials at colleges and universities when they are asked by the F.B.I. and other investigatory agencies concerning present or former students. These inquiries are usually made when a former student applies for a position in the Government. Very often the professor is not advised what position is being sought by the former student and so has no way of knowing whether the position sought is in a "sensitive" area or not. Sometimes, however, this can be determined by asking the investigator.

I suppose the problem can be broken down into a number of different points, two of which readily occur to me. One is the extent to which the record of the student at school should be disclosed to the investigator by the administration of the college or university. The second is the extent to which the professor should comment about activities (primarily political) while at school of such former students.

It would seem to me that some premise might be agreed upon by almost everyone. For example, I assume the ACLU would not oppose appropriate investigations being made of applicants to sensitive positions so that the governmental authority involved can weed out people who are likely to be real threats to security.

I am omitting from this discussion the propriety of questions asked by investigators as to whether the applicant was a good or poor student in terms of his intellectual achievement since I suppose most professors have no problem about answering such questions if they still remember the student. The area that is usually bothersome is the extent to which the professor has any opinion on the student's political leanings or activities while at school, etc.

Assume for the moment that a former student is applying for a position with the Central Intelligence Agency or with the Military Intelligence or Counter Intelligence Corps of the Army, Navy or Air Force. Further assume that the student was a known or admitted Communist while in college. It would seem to me that the prospective governmental employer is entitled to know about this fact unless one adopts the position that whatever one did in school prior to graduation is sacrosanct and unavailable to those outside the academic community. I suppose the theory would be that men in college make mistakes because they are young and brash and that unless students can do and say whatever they please in college they will be so inhibited that the very purpose of higher institutional education will be defeated.

61-18-727 ENCLOSURE

Dr. Louis Hacker

October 31, 1958

I must differ with such views. My premise is that the governmental employer is likely to be fair and reasonable - even though, I know, in many instances it has not been. However, I must assume that it will weigh all factors in determining whether to employ a person in a particularly sensitive position and that brashness, indiscretion or lack of wisdom in college can be compensated for by later activities.

But is it not relevant to know what someone did while in college when he is applying for a sensitive position? Can you imagine a competent doctor wanting to learn about the health of a patient without taking a history of his entire life's physical ailments, or of a psychiatrist attempting to help someone's emotional problems without knowing his entire life's emotional pattern? My own feeling is that if I were the employing officer, I would want to know, and I think justly so, whether the applicant was an active Communist in college. I hope I would be wise enough to weigh this knowledge in the balance with all the other information I obtain about this person during and after college to determine whether I should employ him. But I think I would be deprived of an important and essential piece of information if I did not know about his college activities.

Why should knowledge about his college career be any different from information concerning a police record before he was twenty-one or whether he had been a narcotic addict or alcoholic prior to twenty-five.

My feeling is that life is such that words spoken are never forgotten, acts done can never be taken back. The only hope is that, as time goes on, people will weigh everything in the balance.

I have not given many facets of this matter sufficient thought. Perhaps in non-sensitive positions, professors might tell the investigator to go to blazes if questions are asked concerning a former student's political affiliations. Of course this rule would have to be applied universally by a professor lest it work to the detriment of a specific former student about whom the professor refuses to give information. In addition, if a former student applies for a sensitive position and if the questions asked are deemed irrelevant by the professor then again he ought not respond. For example, if a professor were asked whether a former student was for or against the Truman Administration or for or against the Smith Act or for or against the abolition of the Un-American Activities Committee, he might refuse to answer since the response to any of these questions would, in the judgment of reasonable people, not determine whether one was or was not a security risk.

I am sorry to run out on your Committee just at the time this is being decided but in view of the fact that this problem is likely ultimately to come before the Board, I will have the opportunity again to be presented with the issues. In addition, I would be very appreciative if you would keep letting me have the material distributed on this subject as it is being acted upon in the Academic Freedom Committee so that I may be kept abreast of the situation - provided of course this is no great inconvenience to.

Sincerely,

Mr. Nease
Mr. Belmont
Mr. Kleinkauf

Assistant Attorney General
Internal Security Division

November 18, 1958

Director, FBI

CITIZENSHIP RIGHTS TO VOTERS
NATIONAL ASSOCIATION
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950

Reference is made to previous memoranda, the latest being dated October 23, 1958, setting forth information concerning a proposed conference scheduled to be held in Washington, D. C., on November 8, 1958, to form a committee to plan a campaign to abolish the House Committee on Un-American Activities (HCUA) and a proposed meeting scheduled by a group identified only as the "Princeton group" for November 12, 1958, in Princeton, New Jersey, for the purpose of organizing a lobby in Washington, D. C., against the HCUA.

A confidential source, who has furnished reliable information in the past, has advised that at a meeting of the [redacted] the captioned organization held on November 18, 1958, Frank Wilkinson, executive secretary of the captioned organization, announced the meeting, which had been scheduled to be held in Princeton, New Jersey, has been postponed until December 8, 1958, and that this meeting, which has been called by [redacted] and [redacted] is being held for the purpose of establishing liaison between national groups which are fighting for civil rights and for the abolition of the HCUA.

The informant added that captioned organization has approved Wilkinson's attendance at the December 8, 1958, meeting in Princeton and also his attendance at a meeting of the national council of the Emergency Civil Liberties Committee which is scheduled to be held in New York, New York, on December 14, 1958. [redacted] captioned organization, is also to attend these meetings if funds can be raised for her travel.

On November 12, 1958, the same informant advised that by letter dated October 23, 1958, to [redacted] American Civil Liberties Union (ACLU), from Congressman James Roosevelt, Roosevelt stated it is his "intention to

100-567348

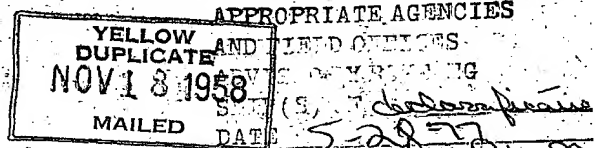
Declassified by 2040
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- 1 - Bufile (61-7552) (HCUA)
- 1 - Bufile (61-190) (ACLU)
- 1 - Bufile (100-384667) (ECLC)

JH:py (9)

MAIL ROOM

TELETYPE



SEE NOTE ON YELLOW, PAGE 2

~~CONFIDENTIAL~~

Assistant Attorney General
Internal Security Division

cooperate in the offering of a resolution to the Democratic Caucus, and then on the floor of the House, to eliminate the Un-American Activities Committee as one of the standing committees of the House of Representatives." Roosevelt also stated in his letter he further intends "to cooperate in the offering of a resolution to instruct the House Judiciary Committee to undertake a study of the need for the strengthening of our laws against actions which have intimidated and restricted the civil rights of American citizens by the use of force, economic or otherwise, and restrict their further investigation only into whether there exists sufficient legislation to prevent organizations advocating the overthrow of the United States Government by force, whether financed or directed from within or without the United States, from operating." Roosevelt added that he personally believes there is ample legislation on the latter matter now upon the statute books but a firm decision and reconsideration should be made on the latter matter at an early date.

It is noted that although Roosevelt's letter was addressed to the ACLU, a copy was apparently sent to the captioned organization.

Any additional pertinent information received concerning this matter will be furnished the Department.

b7D

NOTE ON YELLOW:

The confidential informant mentioned above is
a current active informant of the Los Angeles Office.

This memorandum is classified "Confidential" in view of the information furnished by this informant who is of continuing value in furnishing information in the internal security field. Unauthorized disclosure of the information furnished by this informant could result in exposing the informant, thereby such exposure would deprive the Bureau of this coverage in the internal security field and consequently would have an adverse effect upon the national defense interests of the country.

The information set forth above concerning the 11-10-58 meeting was furnished by Los Angeles airtel 11-12-58 in captioned matter and information set forth above concerning the Roosevelt letter was - 2 - contained in Los Angeles airtel 11-13-58 captioned "American Civil Liberties Union, IS-C; Citizens Committee to Preserve American Freedoms, IS-C."

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: November 21, 1958

FROM : G. A. NEASE

SUBJECT: AMERICAN CIVIL LIBERTIES UNION

Tolson _____
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 Tele. Room _____
 Holloman _____
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to
DC Irving Ferman dropped by my office November 20, 1958, and in my absence, spoke to DeLoach. He is concerned about the current smear attack. He thinks it will die down unless the hue and cry is picked up by liberal Democrats, in Congress. He thinks the effects of a "brush fire" will then be caused and then the attack will spread to stronger sources.

Ferman believes the attack was timed in connection with the Democratic election sweep, particularly in so far as the liberal elements are concerned. He believes it to be an organized conspiracy, and a weak one at this time, and is of the opinion it has little opportunity of success unless the liberal Democrats, remembering the Harry Dexter White episode, try to take up the fight.

Ferman wants to do everything he can to assist the Bureau, in this matter. He has several suggestions for action. As soon as Congress returns, he is going to prevail upon Senator Hubert Humphrey, a liberal, to make a speech on the Senate floor exposing Wechsler, et. al. He is also giving thought to some Civil Liberties award which could be given to the Director. Ferman desires additionally to arrange a meeting between former President Truman and the Director. He states he knows that the former President has great admiration and respect for Mr. Hoover and would be more than pleased to be seen shaking hands with the Director during any occasion. Ferman thinks this particular action would ward off attacks by the Americans for Democratic Action and the liberal Democrats in Congress. He stated he would, of course, do nothing without checking with us as to the Director's desires in the above regard.

NY
 Ferman left with us two memoranda, one written by Professor Louis M. Hacker to the Academic Freedom Committee concerning inquiries made among students in colleges and universities throughout the United States. The first attached memorandum reflects a study will be made by the Academic Freedom Committee of the American Civil Liberties Union in this connection.

Enclosures (3)
 1 - Mr. Belmont
 1 - Mr. Jones
 CDD:ejp
 (4)

63 DEC 2 1958
 ENCLOSURE

REC-28

NOV 21 1958

CRIME REC.

PERS. FILE

UNRECORDED COPY FILED IN 62-105051

Memo Nease to Tolson
Re: American Civil Liberties Union

11-21-58

The second memorandum was written by one Professor H. Harry ~~Giles~~ ^{N.Y.} to the Academic Freedom Committee taking issue with the statements by Professor Hacker. Ferman stated he merely wanted to alert us to these activities taking place backstage. He also made available a letter from Congressman James Roosevelt (D-California) to [redacted] American Civil Liberties Union, advising him that he, Roosevelt, will assist in the campaign to abolish the House Committee on Un-American Activities. b6
b7C

ACTION:

We will follow these matters closely with Irving Ferman.

gym
✓ ✓
note that Hacker &
even Giles among the
ones on the FIF &
bracket the others &
the most active under
"etc."

AIRTEL

F B I

Date: 11/18/58

Transmit the following in _____

(Type in plain text or code)

Via AIRTEL

AIR MAIL (REGISTERED)

(Priority or Method of Mailing)

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Nease	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Trotter	_____
Mr. W.C. Sullivan	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (100-3267)

RE: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
CRITICISM OF THE FBI
SM-C (Security Matter - Communist)
CINAL (Current Intelligence Analysis)

The following information was furnished on 11/18/58 to SA MARCUS M. BRIGHT by Mr. [redacted] of [redacted] Industrial Consultants, Los Angeles, California. [redacted] firm does private investigations for business concerns, and he is generally regarded as a factual reporter:

On last Saturday evening, 11/15/58, Los Angeles Chapter of captioned organization sponsored a meeting, which was held at Westminster United Presbyterian Church, 2908 Robertson Place, Los Angeles. An estimated 175 people were present, according to [redacted] who also attended. General theme of the meeting was a Senate Internal Security Committee, and all similar state committees. Literature and petition forms to this end were distributed at the meeting.

Principal and featured speaker was ALAN BARTH, described as Chief Editorial Writer for the "Washington Post," Washington, D. C., who, it was indicated, is on a speaking tour.

- 3 - Bureau
- 1 - San Francisco (Info) (REGISTERED)
- 3 - Los Angeles
 - (1 - 100-3267)
 - (1 - CRITICISM OF FBI)
 - (1 - CINAL)

MMB:jei

(7)

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

AIRTEL

REC-4
61-190-722
12/1
NOV 20 1958
CRIME RECORDS
CENTRAL SEARCH

LA 100-3267)

No reference was made during the meeting to the FBI until a question was directed to the speaker from the floor, asking in effect, "What about the FBI?" In reply, BARTH told the audience that Mr. J. EDGAR HOOVER had a great^{deal} of ability; that he had a fine loyal organization which had done some great work; that, however, he, BARTH, thinks Mr. HOOVER is wrong in his proposing "savage punishment of juvenile offenders." Thereafter, BARTH went on to say that the FBI should be limited strictly to criminal investigations and removed completely from all security and "political" investigations, as well as all international matters; that furthermore, the doings and activities of the FBI should be open to criticism by individuals or the press at any time. BARTH also commented that loyalty oaths and passport restrictions are ridiculous and should never have taken place.

[redacted] estimate of the audience was that it appeared to be somewhat younger on the average than similar groups in the past; that they appeared to be between 30 and 40 years of age, generally speaking, and might well have been made up of students and faculty members.

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October 22, 1944

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I personally believe there is much responsibility to be put upon the Catholic Social Order. The Catholic Church should be made on the "Rock" rather than on "sand".

ENCLOSURE

AMERICAN CIVIL LIBERTIES UNION
OF SOUTHERN CALIFORNIA

November 4, 1958

To:

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ACLU Affiliates

From: Eason ~~Monroe~~

Subject: Southern California Petition Campaign to Eliminate the
House Committee on UnAmerican Activities

You received from our office earlier a description of projects carried through here recently relating to the House Committee on UnAmerican Activities. I should like to acquaint you with the next step in our continuing effort to abolish this Committee, and to ask your cooperation.

Enclosed you will find a copy of a letter recently received here from Congressman James Roosevelt. In this letter and in a personal conference held with him last Friday, Congressman Roosevelt has given us assurance that he will take an active part in the offering of a resolution to eliminate the UnAmerican Activities Committee from the list of standing committees of the House of Representatives when Congress convenes next January. Note, however, that he used the term "cooperate" in phrasing his commitment. We interpret this conditional promise to mean two things; first, Roosevelt will need concrete evidence of substantial support for his action, and two, he wants several other weighty members of Congress to join him in this undertaking.

By way of developing evidence of significant opposition to the House Committee, we are launching on November 15 a petition directed to the several newly elected Congressmen from Southern California, most of them, of course, incumbents. We intend to concentrate this effort in the districts of the three or four Congressmen here who are likely to be most responsive, although we are asking our members throughout the whole of Southern California to gather as many signatures as they can. Shortly after December 15, the closing date of the petition campaign, we will report the results of our efforts to the several Congressmen in a series of conferences aimed at securing the kind of cooperation Roosevelt has requested.

We invite other affiliates to join as they can in this effort, at least to get an expression, at the opening of the new Congress, of whatever opposition to the House Committee there may be.

Please note that in his second paragraph, Congressman Roosevelt proposes a companion resolution which offers a substitute for the activities of the present House Committee. You will undoubtedly take exception, as we have, to the use of his term "advocating" in the latter portion of this paragraph. We have already urged him to modify the language of such a resolution in light of the First Amendment. It is our present plan to draft an acceptable text for these two resolutions and make it available to Mr. Roosevelt.

We shall be very happy to receive your comments concerning this undertaking and report of any efforts you can make to further it.

ENCLOSURE

61-190-721

6

November 26, 1958

REC-4 61-191-722
Mr. Stanley J. Tracy
4800 College Avenue
College Park, Maryland

Dear Stan:

In regard to our mutual "friend," Alan Barth, I thought you would be interested in the following.

On the evening of November 15, 1958, the Los Angeles Chapter of the American Civil Liberties Union sponsored a meeting which was held at Westminster United Presbyterian Church in Los Angeles. An estimated 175 people attended and the general theme of the meeting was criticism of the Senate Internal Security Committee. Literature and petition forms concerning this matter were distributed.

The principal speaker of the evening was Alan Barth, described as Chief Editorial Writer for the "Washington Post," who, it was indicated, is on a speaking tour. No reference was made during the meeting to the FBI until a question was directed to the speaker from the floor asking in effect, "What about the FBI?" In reply, Barth told the audience that Mr. J. Edgar Hoover had a great deal of ability; that he had a fine loyal organization which had done some great work; that, however, he, Barth, thinks Mr. Hoover is wrong in his proposing "savage punishment of juvenile offenders." Thereafter, Barth went on to say that the FBI should be limited strictly to criminal investigations and removed completely from all security and "political" investigations, as well as all international matters; that furthermore, the doings and activities of the FBI should be open to criticism by individuals or the press at any time. Barth also commented that loyalty oaths and passport restrictions are ridiculous and should never have taken place.

It looks as if our boy is still popping off.

Sincerely,

G. A. Nease

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

mailed 11-26-58
for mlw
V
3144
DEC 3 1958
MAIL ROOM ☐ TELETYPE UNIT ☐

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: November 17, 1958

FROM : M. A. Jones

SUBJECT: "THE LAW OF WIRETAPPING--1958"

AMERICAN CIVIL LIBERTIES UNION (ACLU)

Tolson	✓
Belmont	✓
Mohr	✓
Nease	✓
Parsons	✓
Rosen	✓
Tamm	✓
Trotter	✓
W.C. Sullivan	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

BACKGROUND:

The November, 1958, issue of "Civil Liberties," monthly publication of the ACLU, contains an article captioned as above. You requested information in Bufiles re [redacted] and an analysis of the article. u

DATA RE [redacted]

Logical references in the Bureau Library contain no record of [redacted]

[redacted] Bufiles reflected no derogatory data re [redacted] and after appropriate dissemination to the Department of State, CIA, ONI and the Department of Justice, the case was closed. u

ANALYSIS OF THE ARTICLE:

Basically, this article expresses the hope that the Supreme Court will extend its decisions interpreting Section 605 of the Federal Communications Act, passed in 1934, to hold that evidence obtained in violation of this Section will be inadmissible in state courts, as well as Federal courts. The pertinent portion of this Section reads as follows: u

"and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person."

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Tamm
- 1 - Mr. Nease

HEH:lmh
(10)

Classified By 4017
Exempt from GDS, Category 3
Date of Declassification Indefinite
5/13/76

DEC 4 1958

Declassified by 2040
5/20/77 mls

CLASS & EXT. BY 3908 DEK/uef
REASON-FCIM II, 1-2.4.2
DATE OF REVIEW 8-25-90

67 DEC 9 - 1958

UNRECORDED COPY FILED IN 105-62-1014

Jones to Nease memo

~~CONFIDENTIAL~~

The article claims that the decision of *Benanti v. U.S.*, 355 U.S. 96, decided December 9, 1957, was an important civil rights victory. The *Benanti* decision unanimously held that evidence obtained as a result of wire tapping by state law enforcement officers without participation by Federal authorities is not admissible in Federal court. U

The author recognizes that *Schwartz v. Texas*, 343 U.S. 975, decided December 15, 1952, held that Section 605 did not apply to the admissibility of evidence in state courts. The Supreme Court since the *Schwartz* case has on three occasions refused to consider the question there presented. Inasmuch as the *Benanti* case was an inroad on wire tap evidence obtained by state officers, the author hopes the court will now reconsider. It has the opportunity in view of a pending petition to the U.S. Supreme Court in the case of *Voci v. Pennsylvania*. If the Supreme Court grants the petition, ACLU participation is anticipated. U

Research reveals that the Pennsylvania Supreme Court in *Commonwealth v. Voci*, 143 A.2d 652, decided July 1, 1958, held that wire tap evidence secured in violation of a Federal statute prohibiting unauthorized interception and divulgence of telephone conversations was admissible in the course of criminal prosecution of a Pennsylvania crime in a Pennsylvania Court under the Pennsylvania rules of evidence which are not governed by statute. The Court stated that this question had previously been decided by that Court in *Commonwealth v. Chaitt*, 380 Pa. 532, which relied on *Schwartz v. Texas*. The Court then considered whether *Benanti v. U.S.* had changed the ruling in the *Schwartz* case. The Pennsylvania Supreme Court quotes the following from the *Benanti* case in a footnote: U

"The rationale of (*Schwartz v. State of Texas*, supra) is that despite the plain prohibition of Section 605, due regard to federal-state relations precluded the conclusion that Congress intended to thwart a state rule of evidence in the absence of a clear indication to that effect. In the instant case we are not dealing with a state rule of evidence. Although state agents committed the wiretap, we are presented with a federal conviction brought about in part by a violation of federal law, in this case in federal court."

The Pennsylvania Supreme Court then states:

"There can be no doubt that the United States Supreme Court, in *Benanti v. United States*, invalidated much of the reasoning used by this Court in reaching its result in the *Chaitt* case."

~~SECRET~~

~~CONFIDENTIAL~~

Jones to Nease memo

~~SECRET~~

~~CONFIDENTIAL~~

"It did not, however, over-rule Schwartz v. State of Texas, supra, which is the basic authority for this Court's holding that evidence secured by wiretapping is admissible under our rules of evidence which are not governed by statute."

The last paragraph of the ^{captioned} article reads as follows:

"It is interesting to note that Section 605 is more than a rule of evidence. It is also a prohibitory statute to which penal sanctions apply. It becomes increasingly interesting when one also notes that the Department of Justice has prosecuted at least six persons--none of them law enforcement officials--for violations of the statute. Thus, at the same time that FBI agents were monitoring the 90 taps that J. Edgar Hoover announced were in effect one day last summer, some of their confreres were presumably seeking out violators around the country. Charity, it seems, does begin at home."

Since assuming jurisdiction of the Unauthorized Publication Or Use Of Communications Statute on January 16, 1953, there have been 15 convictions broken down by fiscal years as follows: 1955--1, 1956--4, 1957--8, 1958--2, 1959--none to date. u

In connection with consideration of a wire tap bill in December, 1957, a memorandum from Mr. Harold M. Shapiro, Chief of the Criminal Division's Administrative Regulations Section, was forwarded to the Bureau which pointed out that it was the Department's policy not to prosecute state law enforcement officers who wire tap and divulge or use information so obtained in the performance of their duties when such procedure is authorized by state law. The reasons for this policy were: (1) until the Benanti case there was some doubt as to whether Section 605 applied to state law enforcement officers, especially in a state like New York where wire tapping is done pursuant to court order (2) the basis for the policy was the difficulty in obtaining convictions since the defendants would be police officers, prosecuting attorneys and possibly judges who issued wire tap warrants or permitted wire tap testimony in court while the complainants and chief witnesses would be racketeers, criminals and other law breakers and (3) United States Attorneys General had openly acknowledged wire tapping was used in matters involving national security. Shapiro noted the Department had received a communication from the New York Civil Liberties Union, a branch of the ACLU, calling for prosecution of New York officers under the Federal law. Shapiro felt the Department was in an unenviable position.

~~SECRET~~

~~CONFIDENTIAL~~

Jones to Nease memo

~~CONFIDENTIAL~~

~~SECRET~~

The author in his reference to Mr. Hoover's announcement of 90 wire taps is obviously referring to the Director's statement in his television interview with Congressman Keating in May, 1958, that the Bureau then had less than 90 wire taps in effect, all of which were in internal security matters. u

OBSERVATIONS:

1. It is highly conjectural to believe that the Supreme Court will now overrule the Schwartz case in view of its language in the Benanti case. It is believed undesirable to comment on this point. u
2. Prosecutive decisions rest with the Department and ^{not} in the Bureau. While the Department is in an unenviable position, its reasoning and subsequent policy not to prosecute local law enforcement officers in these circumstances appear sound. u
3. As to the Bureau's use of wire taps, each one is authorized specifically by the Attorney General and is used for intelligence purposes only. All of the 90 wire taps alluded to by Mr. Hoover involved internal security matters and no prosecutions are contemplated. u

RECOMMENDATION:

That your office informally contact Irving Ferman of the ACLU and tell him specifically that (1) prosecutive decisions in these cases are up to the Department (2) that each of the 90 wire taps referred to by Mr. Hoover was specifically approved by the Attorney General and (3) that these were all for intelligence purposes only and not prosecution. u

Handled with
Ferman 11/20/58 -
memo, 11/21/58 -
u

✓

gm

~~CONFIDENTIAL~~

~~SECRET~~

Base
Belmont
Baumgardner
Land

1 - Mr. [REDACTED]
1 - Mr. Kleinkauf

b6
b7C

November 24, 1958

P-12
Airtel

b7D

To: SAC, Buffalo [REDACTED]

From: Director, FBI (62-105051)

AMERICAN CIVIL LIBERTIES

CRITICISM OF FBI

UNIT

Reurlet 11-20-58 captioned as above.

You are instructed to immediately furnish the Bureau with the following information:

(1) A list of the security cases which have been investigated at the University of Buffalo and the Roswell Park Memorial Institute during the calendar years 1957 and 1958, together with the reasons for these investigations or contacts.

(2) Was [REDACTED] University of Buffalo, the superior of [REDACTED] identified in relet as [REDACTED] [REDACTED] contacted? If so, furnish the reasons therefor.

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You are instructed to be most circumspect in your investigations conducted at the University of Buffalo and the Roswell Park Memorial Institute and in the investigations of individuals connected with those institutions so as not to give the Communist Party or the American Civil Liberties Union any basis for criticizing our investigations or contacts and criticism of the Bureau.

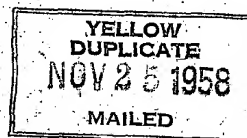
You are instructed to keep the Bureau promptly advised of all pertinent information developed concerning the afore-mentioned matter as well as information concerning the present "smear campaign" against the Bureau.

NOTE ON YELLOW: See memo Baumgardner to Belmont dated 11-24-58 captioned as above, JHK:fk.

Tolson _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

① - 61-190 (ACLU)

JHK:fk (10)



61-190-
NOT RECORDED
150 NOV 28 1958

66 DEC 2 1958
MAIL ROOM ☐ TELETYPE UNIT ☐

ORIGINAL COPY FILED IN 62-105051-76

3 - Mr. Nease
1 - Mr. Belmont
1 - Mr. Baumgardner
1 - Mr. Bland

b6
b7C

1 - Mr. [redacted]
1 - Mr. Kleinkauf

November 24, 1953

Mr. A. H. Belmont

Mr. F. J. Baumgardner

CRITICISM OF FBI

Buffalo letter 11-20-58 referred to Buairtel 10-27-58 captioned as above, which airtel instructed field offices to be alert to the activities of the Communist Party (CP) in connection with the present "smear campaign" against the Bureau.

Buffalo letter advised that [redacted] furnished information concerning 10-19-58 meeting of Erie County CP Steel Club; that during meeting [redacted], Erie County CP [redacted] National Committee, CP, USA, introduced discussion concerning activities of FBI in Buffalo area; [redacted] stated he had gone to see head of American Civil Liberties Union (ACLU) concerning investigations being conducted by FBI; [redacted] learned from ACLU it had received number of inquiries from people at University of Buffalo and Roswell Park Memorial Institute who claimed they were being investigated by FBI; [redacted] as well as other people are looking into possibility of voicing some type of protest concerning FBI investigations at the afore-mentioned institutions; individual named [redacted] later identified in Buffalo letter as [redacted] either an instructor or student at the University of Buffalo, had told [redacted] FBI had sent representative to his department head at the University but the department head had refused to give any information to FBI.

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Buffalo letter commented [redacted] is prone to exaggerate and dramatize any situation he discusses; Buffalo Office has made inquiries at the afore-mentioned institutions in the past year in connection with security matters in a very limited number of cases, ten at the most; no information has been received that [redacted] has actually gone to see the local head of the ACLU; [redacted] is undoubtedly identical with [redacted] a frequent contact with CP members in Buffalo area and although not a CP member is considered to be pliable and useful; reference to [redacted] and his department head at the University of Buffalo is an inaccurate statement; [redacted] is [redacted] a Security Index subject of Buffalo Office, who is a student at the University, is employed at the Roswell Park Memorial Institute under the supervision of Dr. [redacted] also a Security Index subject of Buffalo Office; Buffalo letter considers statement of [redacted] as having no basis in fact; and feels its coverage is sufficient so that it will know in advance whether [redacted] or other CP leaders persuade ACLU to interest itself in this matter.

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e. Rosen
Loman
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62-105051

Enclosure

61-190 (ACLU)

60 DEC 4 1958

61-190
NOT RECORDED
191 DEC 3 1958

MAIL ROOM () TELETYPE UNIT ()

Memo for Mr. Belmont
RE: CRITICISM OF FBI
62-105051

RECOMMENDATIONS:

1. That the attached airtel to Buffalo be approved and transmitted instructing Buffalo to furnish the following data:

(1) The identities of security cases Buffalo has investigated at the University of Buffalo and the Roswell Park Memorial Institute and reasons therefor.

(2) Did Agents of Buffalo Office contact [redacted] at the University of Buffalo, and if so the reasons therefor.

b6
b7c

(3) Instruct Buffalo to be most circumspect in security investigations so as not to give the CP or ACLU basis for criticism and to keep the Bureau promptly advised of any further pertinent developments in this matter.

2. It is recommended this memorandum be referred to Mr. Nease for his consideration in finding out from his contacts in the ACLU if any inquiry is pending in the Buffalo area by the ACLU.

r. Nease
r. Kleinkauf

Assistant Attorney General
Internal Security Division
Director, FBI

November 26, 1958

CITIZENS COMMITTEE TO PRESERVE
AMERICAN FREEDOMS
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950

Reference is made to previous correspondence, the latest of which was dated November 21, 1958, setting forth information concerning the activities of captioned organization in connection with the campaign to abolish the House Committee on Un-American Activities (HCUA).

There is enclosed a Photostat of a petition issued by the Southern California Chapter of the American Civil Liberties Union (ACLU), which petition is being circulated by captioned organization. The petition is addressed to Southern California Representatives in Congress urging them to eliminate the HCUA from a list of standing committees of the House of Representatives.

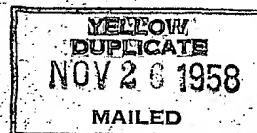
A confidential informant, who has furnished reliable information in the past, has advised that the aim of the ACLU is to secure one hundred thousand signatures to this petition by December 15, 1958, which is "Bill of Rights Day." Captioned organization has pledged its full support to this campaign and urges that at least twenty-five signatures be secured on each petition.

The November 15, 1958, issue of the "People's World," a west coast communist newspaper, stated that captioned organization had mailed out five thousand copies of the afore-mentioned petition.

Any additional pertinent information received concerning this matter will be furnished to the Department.

Enclosure

100-387548
① - 61-199 (ACLU)



61-190 -
NOT RECORDED
47 DEC 3 1958

b7D

NOTE: The afore-mentioned confidential informant is [redacted] and information set forth above and the enclosure mentioned were transmitted by LA airtel 11-19-58 in captioned matter.

lson _____
lmont _____
hr _____
ase _____
rsons _____
sen _____
mm _____
otter _____
C. Sullivan _____
le. Room _____
lloman _____
ndy _____

60 DEC 5 1958 MAIL ROOM TELETYPE UNIT

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 11/23/58

FROM : G. A. Nease

SUBJECT: CRITICISM OF FBI

Tolson
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
Tele. Room
Holloman
Gandy

b6
b7C

Reference is made to the memorandum from Mr. Baumgardner to Mr. Belmont dated 11/24/58, a copy of which is attached. In talking to Irving Ferman this afternoon, I told him for his confidential information that a report had come to our attention that [redacted] Erie County Communist Party [redacted] the National Committee, CP, USA, had recently entered into a discussion concerning the activities of the FBI in the Buffalo area and had inferred that the American Civil Liberties Union (ACLU) may be interested in our activities, particularly insofar as any inquiries that we might have made at institutions such as the University of Buffalo and Roswell Park Memorial Institute.

I told Irving that I would be interested in knowing whether he had gotten wind of any such interest on the part of the ACLU. He stated that he knew of none; that the only thing he had heard about recently was the letters from Louis Hacker and H. Harry Giles which were sent to the Academic Freedom Committee of the ACLU, copies of which he had furnished to us and which are attached. He stated that at the March, 1958, affiliate conference of the ACLU, the representative from Buffalo was very anti-FBI in some respects. He could not recall this individual's name but stated he would ascertain what it is. He also indicated that he would determine whether or not there is any current interest on our activities by the Buffalo chapter of the ACLU and he will keep me advised.

Ferman stated as a matter of interest that within the past 4 or 5 weeks there has been an affiliate meeting on the West Coast and that Thurman Arnold sounded off to some extent about faceless informers and had urged that the Union tie into the FBI. Irving again referred to the Louis Hacker letter and stated that he feels that he can control these situations by at least getting representatives from the Union from New York to call upon us before they start sounding off.

GAN:hpf

(4)

Enclosures

1 - Mr. Belmont

1 - Mr. Jones

NOT RECORDED
199 JAN 5 1959

15 DEC 2 1959
DEC 28 1958
CRIME REC.

ORIGINAL COPY FILED IN 62-100000-100000

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. NEASE

DATE: NOV 28 1958

FROM : L. E. SEXTON

SUBJECT: AMERICAN CIVIL LIBERTIES UNION, INC.
INTERNAL SECURITY--C

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____

Bulky Exhibit File Number: 61-190-246

We are presently in the process of reviewing all bulky exhibits presently on hand, in order that we may weed out those which will serve no useful purpose by being retained. Inasmuch as a great many of these bulky exhibits pertain to inactive cases and are occupying badly needed space, it is requested that you have the appropriate substantive supervisor review the above-listed bulky exhibit and render a decision as to the retention or disposition of the material contained therein. A notation as to the decision rendered should be placed on this memorandum, and it should be returned to the Filing Unit of the Records Branch, Room 1113, Identification Building. This memorandum will be filed in the case file.

RECOMMENDATION:

That the above-listed bulky exhibit be reviewed and a decision rendered as to the retention or disposition of the material contained therein.

WJ:gbh

Done

Retain
11/28/58
JWS

61-190-
NOT RECORDED
24 DEC 2 1958

67 DEC 2 - 1958

J. W. MARSHALL
4300
JWS

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-190)

DATE: 12/2/58

FROM : SAC, SAN DIEGO (100-478)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF SOUTHERN CALIFORNIA,
SAN DIEGO CHAPTER
IS - C
(OO:SAN DIEGO)

Re San Diego letter to Director dated 10/17/58.

The San Diego Union, a San Diego, California newspaper, issue of November 13, 1958, contained a news item reflecting that A. L. WIRIN of Los Angeles, California, Chief Counsel for the ACLU in Southern California, had filed an injunction and damage suit naming the U. S. Department of Justice and three individuals as defendants. The suit seeks to test the legality of the U. S. Border Patrol blockades on California highways. Defendants besides the U. S. Department of Justice were WILLIAM M. DAVIS, Border Patrol Section Chief, and two Patrolmen E. W. HILDEN and GORDON HANLESS. According to the San Diego Union, the patrol's roster does not have a GORDON HANLESS. The news item stated that the blockades have been used for years to detect illegal immigrants, smuggled wetbacks and narcotics runners. The patrol recently made a large seizure of heroine.

WIRIN said he was stopped near San Clemente, California shortly after midnight, April 20, 1958. He charged he was illegally detained, falsely imprisoned, questioned, and his vehicle and personal effects were illegally searched, and his right of privacy violated. The suit was filed in San Diego Superior Court. It sought damages totaling \$10,500 and asked the State Court to permanently enjoin the Border Patrol from conducting the blockades.

On 12/1/58 [redacted] who obtains information from informants believed to be reliable, advised SA RUSSELL P. CURTIS that on November 25, 1958 a meeting of the San Diego Chapter of the ACLU was held at Hearing Society Hall, 3842 Herbert Street, San Diego. Only 16 persons were

- ③ - Bureau
2 - Los Angeles (1 - ACLU)
(1 - WIRIN)
2 - San Diego (1 - 100-478)
(1 - [redacted])

RPC:ljf
(7)

REC-24

EX-1133

23 DEC 5 1958

SD 100-478

present. Discussion was had as to whether comic books should be suppressed. Discussion was also had concerning the signing of a petition circulated by the ACLU of Southern California, 2863 W. 9th Street, Los Angeles, California.

The petition requested Southern California Congressmen to offer a resolution at the opening of the 86th Congress of the United States to eliminate the House Committee on Un-American Activities (HCUA). Reasons given were:

- (1) That the mandate of the HCUA is unconstitutional in that it authorizes the Committee to investigate "in the protected areas of speech and press".
- (2) The HCUA lacks clear direction from Congress.
- (3) The HCUA has become an agency "for the repression of beliefs and associations".
- (4) The HCUA has misused its authority for political purposes.
- (5) The HCUA has usurped functions of the Executive and Judicial branches of the government.

Authority for the above was The Watkins Decision of the United States Supreme Court.

The Bureau will be kept advised.

F B I

Date: 11/26/58

Transmit the following in _____
(Type in plain text or code)Via AIRTEL AIR MAIL - REGISTERED
(Priority or Method of Mailing)

61-190
 TO: DIRECTOR, FBI (~~100-3267~~)
 FROM: SAC, LOS ANGELES (100-41016) REC-23
 SUBJECT: AMERICAN CIVIL LIBERTIES UNION (ACLU)
 INFORMATION CONCERNING
 CINAL

WNP
100-41016
gas

Re Los Angeles airtel 11/19/58 captioned "CITIZENS COMMITTEE TO PRESERVE AMERICAN FREEDOMS (CCPAF), IS-C." Referenced airtel concerned a petition issued by the ACLU to abolish the House Committee on Un-American Activities which is being circulated by the CCPAF. Copies of this petition were forwarded to the Bureau. b7D

 advises that EASON MONROE, Director, Los Angeles Chapter, ACLU, has been reprimanded by the ACLU National Office for the preparation of this petition. The ACLU National Office disapproves the petition and will not recognize it. Inasmuch as these petitions have already been distributed, no attempts were made to retrieve them. *casib*

Informant states the national ACLU uses utmost discretion in dealing with the Los Angeles group since the Los Angeles Chapter is one of the strongest in the country and last year contributed \$47,000 to the national organization.

- ③ - Bureau (AIR MAIL) (REGISTERED)
 1 - New York (REGISTERED)
 1 - San Francisco (REGISTERED)
 2 - Los Angeles (100-41016) (100-43372 - CINAL)
- Ar*

WNP:DRU
 (7)

REC-23

61-190-725

EX-136

NOV 28 1958

Approved: *WNP*

Sent

M

Per *WNP*

Special Agent in Charge

(C) Condon 60 DEC 10 1958

ase
einkauf

Assistant Attorney General
Internal Security Division

December 4, 1958

Director, FBI

pink
CITIZENS COMMITTEE TO PRESERVE
AMERICAN FREEDOMS
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950

Reference is made to the memorandum from this Bureau dated November 26, 1958, enclosing a Photostat of a petition issued by the Southern California Chapter of the American Civil Liberties Union (ACLU), which petition is being circulated by captioned organization. The petition is addressed to Southern California Representatives in Congress urging them to eliminate the House Committee on Un-American Activities (HCUA) from a list of standing committees of the House of Representatives.

A confidential informant, who has furnished reliable information in the past, has advised that Eason Monroe, director, Los Angeles Chapter of the ACLU, has been reprimanded by the national office of the ACLU for the preparation of the petition. The informant further advised that the national office of the ACLU disapproves the petition and will not recognize it but inasmuch as these petitions have already been distributed no attempts have been made to recall them.

100-387548

① - 61-190 (ACLU)

b7D

NOTE: The afore-mentioned confidential informant is [redacted] and the information set forth above was contained in LA airtel 11-26-58 captioned "American Civil Liberties Union, Information Concerning."

JHK:fk
(6)

61-190 -
DEC 8 1958

- Tolson _____
- Belmont _____
- Mohr _____
- Nease _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Holloman _____
- Gandy _____

41
DEC 10 1958

MAIL ROOM ☐ TELETYPE UNIT ☐

YELLOW
DUPLICATE
DEC 4 1958
MAILED

Memorandum to Mr. Belmont
RE: CRITICISM OF FBI
62-105051

DETAILS:

Memorandum Mr. F. J. Baumgardner to Mr. A. M. Belmont 11-24-58 in captioned matter set forth development in Buffalo Office to the effect that [redacted] Erie County Communist Party [redacted] national committee, CPUSA, was alleged to have contacted head of the American Civil Liberties Union in Buffalo who allegedly reported to [redacted] that the ACLU had received inquiries from individuals at the University of Buffalo and the RPMI relative to FBI investigations of these individuals; that a protest was being considered concerning such FBI activities; and that, further, [redacted] Security Index subject, indicated the FBI had unsuccessfully contacted [redacted] concerning [redacted]. The above memorandum recommended and it was subsequently approved that Buffalo be instructed (1) to list security cases during 1957-58 involving individuals at University of Buffalo and RPMI and reasons for the investigation and (2) to advise whether Agents ever contacted [redacted] and reasons therefor.

Buffalo has furnished the following cases set forth by title, character, Bufile, scope of investigation and reasons therefor concerning point one above:

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b7c

At University of Buffalo

- (1) Tad Sheridan Clements; Security Matter (SM) - C; Bufile 100-411872; registrar's records checked to identify CP contacts at the University of Buffalo.
- (2) [redacted]; SM - SWP; Bufile 100-427744; registrar's records checked to verify [redacted] employment as required in Security Index cases.
- (3) Aaron Copland; SM - C; Bufile 100-370562; telephonic pretext concerning employment; Bureau instructed 4-15-57 that Buffalo verify Copland's presence at this University.
- (4) [redacted]; SM - C; Internal Security Act of 1950; Bufile 100-411866; office of the registrar contacted to verify the part-time student status of this Security Index subject.
- (5) Chester John Czynny; SM - C; Bufile 100-382615; contact with dean of students, an established source of information in the Buffalo Office, to determine Czynny's status as student and practice teacher as required in Security Index cases.

Memorandum to Mr. Belmont
RE: CRITICISM OF FBI
62-105051

At Roswell Park Memorial Institute

- (6) [redacted]; SM - SWP; Bufile 100-377931; check of employment records as required in Security Index cases.
- (7) [redacted]; SM - C; Bufile 100-403324; interview of [redacted] departmental head Dr. [redacted] to obtain verification of new employment of Security Index subject plus determination whether such employment would have brought [redacted] within the purview of the Security of Government Employees Program.
- (8) [redacted]; SM - C; Bufile 100-386936; telephonic pretext made to verify employment; to explore the circumstances under which a CP member, [redacted], secured employment at this institution.

A review of Bufiles concerning the above contacts reflect nothing irregular in the investigations of the Buffalo Office and that applicable Bureau instructions relative to these investigations were carefully followed. Each contact with persons connected with the University of Buffalo and the RMI was handled properly and gives no basis whatsoever for alleged improprieties on Agents' part. b6 b7C

A review of Bufiles regarding point two, paragraph one, page one, above, reflects [redacted] is a staff member of the RMI and was contacted by Buffalo Agents on 8-29-56 during the course of contact under the Bureau's interview program. [redacted] was hostile, refused to talk to the Agents and implied later to interviewing AEC officials on 7-18-58 that Bureau Agents were tactless and abrupt during the above interview. Such criticism was found to be without basis and AEC was so advised on 9-18-58. Buffalo previously advised the Bureau on 3-31-58 that [redacted] was accidentally encountered during an interview of Dr. [redacted] previously mentioned, who is [redacted] superior. Buffalo believes this chance encounter occasioned [redacted] reference to [redacted] complaint concerning an interview with his superior. Buffalo has previously commented that [redacted] is prone to exaggerate and dramatize any situation he discusses and that no information has been received that [redacted] has actually contacted the local head of the ACLU relative to the above-discussed matters. Further, Bufile on [redacted] reflects he lied concerning contacts by the FBI in an effort to minimize information developed by the Bureau concerning [redacted] connection with CP members and various CP activities.

Memorandum to Mr. Belmont
RE: CRITICISM OF FBI
62-105051

Buffalo has been previously instructed to be most circumspect in regard to any investigation conducted at the University of Buffalo and the RMI so as not to give the CP or ACLU any basis for criticizing the Bureau. Further, the Buffalo Office has been previously instructed to promptly furnish the Bureau any pertinent information developed concerning this matter as well as any information concerning the present "smear campaign" against the Bureau.

The field by SAC Letter 58-77(G) was instructed that in view of the efforts on the part of certain organizations and individuals to carry on a "smear campaign" against the FBI, it must be circumspect in all security investigations, particularly in all sensitive areas of investigation such as colleges, universities and similar institutions so that no basis for criticism is given to enemies of the FBI.

FBI

Date: 12/8/58

Transmit the following in _____

(Type in plain text or code)

Via AIRTELAIR MAIL - REGISTERED

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (61-190-~~100-3267~~)

FROM: SAC, LOS ANGELES (100-41016)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION (ACLU)
INFORMATION CONCERNING
CINAL

Re Los Angeles airtel 11/26/58 concerning an ACLU petition to abolish the House Committee on Un-American Activities, copies of which were forwarded the Bureau.

[redacted] PSI has previously advised that the Party locally is assisting in the campaign to circulate this petition.

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[redacted] advises that at a recent meeting of the [redacted] CP Club it was stated that the ACLU had contacted the CP asking for their aid in getting signatures on the petitions. Party members who were issued petitions were told to say that they represent the ACLU in obtaining such signatures. The completed signed petitions are to be turned over to Congressman JAMES ROOSEVELT on 12/15/58.

- ③ - Bureau (AIR MAIL)(REGISTERED)
1 - San Francisco (INFO)(REGISTERED)
2 - Los Angeles (100-41016)(100-43372 - CINAL)

WNP:DRU
(6)

REC-2

EX - 124

11 DEC 12 1958

18

RESEARCH

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

AIRTEL

12/9/58

AIRTEL

AIR MAIL

REGISTERED

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Nease	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C. Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

TO: DIRECTOR, FBI (100-387548)
FROM: SAC, LOS ANGELES (100-41016)
RE: CITIZENS COMMITTEE TO PRESERVE AMERICAN FREEDOMS
IS - C
ISA, 1950

On 12/9/58 [redacted] advised SA [redacted] that FRANK WILKINSON, Executive Secretary of the CCPAF had advised members of the CCPAF Executive Board of the following highly confidential information:

WILKINSON stated that EASON MONROE of the Los Angeles Chapter of the American Civil Liberties Union (ACLU) had received a letter from [redacted] of the National Council of the ACLU instructing the Los Angeles chapter not to circulate the petitions calling for the abolition of the HCUA. MONROE allegedly replied to this letter to the effect that the petitions had already been sent out and that he was not in agreement with the National Policy. Following this all other chapters of the ACLU were instructed not to sponsor the petition campaign.

WILKINSON described this situation as a case of "Internal Bureaucracy" and said MONROE believes that PATRICK MALIN of the National ACLU disapproves of the campaign and referred to it as ACLU sabotage. The National Council of the ACLU informed MONROE that their Washington representative is handling the matter on "an inside job basis" and that FIRMAN of the ACLU lunches with various Congressmen and other important persons in Washington. In this connection WILKINSON mentioned the name of MORRIS ERNST and referred to him as the "private lawyer of J. EDGAR

3 - Bureau
1 - Los Angeles
RMB:TAD

(4)

AIRTEL

67 DEC 22 1958

ORIGINAL FILED IN 100-387548-286

LA 100-41016

HOOVER".

WILKINSON said that the Los Angeles chapter of the ACLU had given \$47,000. of the \$200,000. which the National ACLU had received from its chapters during the past year.

In regard to the Washington headquarters which the Emergency Civil Liberties Committee (ECLC) is planning WILKINSON stated that CLARK FOREMAN of the ECLC has working contacts with members of Congress and the Senate on a "first name basis". WILKINSON stated AUBREY WILLIAMS of the National Board of the ACLU wants to live in Washington and is planning to set up headquarters there but will not work with the ECLC. According to WILKINSON, WILLIAMS has "100 times the entree that FOREMAN has in Washington and can go into LYNDON JOHNSON'S Office."

The above information is being furnished to pertinent offices by routine communication.

Mr. A. H. Belmont

December 10, 1958

61
Mr. F. J. Baumgardner

CRITICISM OF FBI

SYNOPSIS:

Memorandum Baumgardner to Belmont 11-24-58 in captioned matter reflected [redacted] (Erie County Communist Party (CP)) [redacted] national committee CPUSA, alleged to have contacted American Civil Liberties Union (ACLU) head in Buffalo who allegedly reported to [redacted] ACLU had received inquiries from individuals at University of Buffalo and Roswell Park Memorial Institute (RPMI) relative to FBI investigations of these individuals; that a protest was being considered; and that, further, [redacted] Security Index subject, indicated the FBI had unsuccessfully contacted [redacted] concerning him. Buffalo was instructed (1) to list security cases during 1957-58 involving individuals at above institutions and reasons for investigation, and (2) to advise whether Agents ever contacted Dr. [redacted] and reasons therefor. Buffalo furnished eight instances of contacts with University of Buffalo and RPMI; all in connection with official investigations; no irregularities noted concerning such contacts; and no basis whatsoever for alleged improprieties on Agents' part. [redacted] was contacted 8-29-56 under Bureau's interview program; was hostile; refused to talk to Agents, and on 7-18-58 lied to Atomic Energy Commission (AEC) officials that Bureau Agents were tactless and abrupt during above interview. No basis for criticism developed and AEC advised on 9-18-58. Buffalo previously instructed to be most circumspect with regard to future investigations at above institutions and field by SAC Letter 58-77(G) was instructed to be most circumspect to avoid giving FBI enemies basis for criticism.

ACTION:

Informative. You will be advised of all pertinent developments.

62-105051

- 1 - Mr. Nease
- 1 - Mr. Belmont
- 1 - Mr. Baumgardner
- 1 - Mr. Bland
- 1 - Mr. [redacted]
- 1 - Mr. Kleinkauf
- 1 - 61-190 (ACLU)

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

JOC:bam (8)

53 DEC 19 1958

61-190-
NOT RECORDED
140 DEC 17 1958

MAIL ROOM ☐

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ORIGINAL COPY FILED IN
62-105051-112

CONFIDENTIAL

1 - Mr. Nease
- Mr. [redacted]
1 - Mr. Kleinkauf

b6
b7C

Assistant Attorney General
Internal Security Division

December 11, 1958

EX-124

Director, FBI

REC-761-190-720
AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Reference is made to previous correspondence captioned "Citizens Committee to Preserve American Freedoms" setting forth information concerning a petition campaign being carried on by the Southern California Chapter of the American Civil Liberties Union (ACLU) urging the abolition of the House Committee on Un-American Activities (HCUA).

A confidential informant, who has furnished reliable information in the past, has advised that the Communist Party (CP) in the Los Angeles, California, area is assisting the ACLU in circularizing the petitions in connection with this matter.

Another confidential informant, who has furnished reliable information in the past, has advised that at a recent meeting of the [redacted] CP Club in Los Angeles it was stated the ACLU had contacted the CP asking for its aid in obtaining signatures on the petitions; Party members who were issued petitions were told to say that they represent the ACLU in obtaining such signatures; and the completed signed petitions are to be turned over to Congressman James Roosevelt of California on December 15, 1958.

REC'D-READING ROOM

DEC 11 11 09 AM '58

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61-190

NOTE ON YELLOW: The afore-mentioned confidential informants are [redacted] PSI and [redacted] respectively. The information set forth above was contained in LA airtel 12-8-58 in captioned matter.

This memorandum is classified "~~Confidential~~"; inasmuch as the information set forth above was furnished by two current active informants who are of continuing value to this Bureau in the internal security field. The unauthorized disclosure of this information might compromise these informants and this compromise would destroy their effectiveness in operating for this Bureau; therefore, result could have an adverse effect on the defense interest of the country.

52 DEC 22 1958
JHR:ikp (6)

Declassified by 2040
5/20/77

J. Blair

Tolson
Boardman
Belmont
Mohr
Nease
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

Mr. Nease
Mr. Belmont
Mr. Baumgardner
Mr. W. B. Anderson
1 - Mr. Kleinkauf

The Attorney General

December 12, 1958

Director, FBI

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 11-03-2011

CITIZENS COMMITTEE TO REPEAL
AMERICAN PATRIOTISM
INTERNAL SECURITY - C
NATIONAL SECURITY ACT OF 1950

A confidential informant, who has furnished reliable information in the past, advised on December 9, 1958, that Frank Wilkinson, executive secretary of captioned organization, told the members of the executive board of captioned organization that James Moore of the Los Angeles chapter of the American Civil Liberties Union (ACLU) had received a letter from [redacted] of the national office of the ACLU instructing the Los Angeles chapter not to circulate petitions calling for the abolition of the House Committee on Un-American Activities (HCUA); Moore allegedly replied to this letter to the effect the petition had already been sent out and he was not in agreement with the policy of the national office; following this all other chapters of the ACLU were instructed not to sponsor the petition campaign; and Moore believes Patrick Malin of the national office of the ACLU disapproves of the campaign. According to the informant, Wilkinson described this situation as a case of "internal bureaucracy" and referred to it as ACLU sabotage. The source further advised that Wilkinson stated the national council of the ACLU informed Moore that their Washington representative is handling the matter on "an inside job basis" and that Foreman of the ACLU lunches with various Congressmen and other important persons in Washington. This apparently relates to Irving Foreman, the Washington representative of the ACLU.

According to the informant Wilkinson also stated in regard to the Emergency Civil Liberties Committee (ECLC) opening a Washington headquarters that Clark Foreman, executive director of the ECLC, has working contacts with members of Congress and the Senate on a "first name basis";

100-387548

NOT RECORDED

191 DEC 16 1958

① - 61-102 (ACLU)
1 - 100-112434 (Frank Wilkinson)
1 - 100-387660 (ECLC)

DUPLICATE YELLOW

SEE NOTE ON YELLOW PAGE 3.

JHK:fk (13)

MAIL ROOM ☐ TELETYPE UNIT ☐

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF
DATE

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Boardman _____
Belmont _____
Mohr _____
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Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

Declassified by 2040
5/20/77 miz

100-387548-38

~~CONFIDENTIAL~~

The Attorney General

Arvey Williams, a member of the national board of the ACLU, wants to live in Washington, D. C., and is planning on setting up headquarters in Washington but will not work with the ACLU; and Williams has "100 times the entree that Foreman has in Washington and can go into Lyndon Johnson's office."

Arvey Williams, mentioned above, is president of the Southern Conference Educational Fund (SCEF) which is under active investigation by this Bureau as a communist front organization. The SCEF is also under active investigation by this Bureau as a communist front organization. Copies of the reports concerning the investigations of captioned organizations, SCEF and SCEF are being furnished the Department on a continuing basis.

The Newark Office has advised that it received information on December 10, 1955, from United States Commissioner George Barker, Trenton, New Jersey, that Williams was arrested at Trenton on December 8, 1955, by the United States Marshal on a warrant issued December 2, 1955, at Atlanta, Georgia; that Williams was indicted by the Federal Grand Jury, Northern District of Georgia, on December 2, 1955, charged with contempt of Congress. Williams, who had been in New Orleans, New Jersey, attending a meeting reportedly being held for the purpose of organizing a concerted campaign to abolish the LHM, surrendered to the United States Marshal at Trenton; was afforded a hearing before the United States Commissioner in Trenton on December 3, 1955; posted a \$1000 bond through a professional bondsman; and returned to his home in Los Angeles, California, on December 9, 1955.

In connection with Williams' contempt of Congress charge, it is noted that this charge grew out of his appearance before an LHM hearing in Atlanta, Georgia, on July 30, 1955. At this hearing he claimed the LHM was not a legally constituted body and refused to answer questions concerning his background and past activities before the LHM without invoking a constitutional privilege.

~~CONFIDENTIAL~~
The Attorney General

Wilkinson, Williams and Harman are subjects of current security investigations being conducted by this Bureau. Copies of pertinent reports concerning these investigations have been furnished the Department.

The Department will be furnished with pertinent information received concerning this matter.

- 1 - Mr. Laurence E. Walsh
Deputy Attorney General
- 1 - Assistant Attorney General
Internal Security Division

NOTE ON YELLOW:

The confidential informant mentioned above is [redacted] and the information furnished by this informant was contained in LA airtel 12-9-58 in captioned matter. Information concerning Wilkinson's arrest was contained in Newark airtel 12-10-58 in captioned matter. b7D

This memorandum is classified "Confidential" because it contains information furnished by [redacted] a current active informant of the Los Angeles Office who is furnishing valuable information on a continuing basis. The unauthorized disclosure of this information could disclose the identity of this informant thereby depriving the Bureau of information furnished by this informant relating to matters pertinent to the internal security of the country. Such disclosure and subsequent deprivation of information to the Bureau could have an adverse effect upon the security interest of the country.

See memorandum Baumgardner to Belmont dated 12-12-58, captioned as above, JMK:fk.

Mr. Nease
Mr. Belmont
Mr. Baumgardner

Mr. W. J. Anderson
1 - Mr. Kleinknecht

Mr. A. H. Belmont

December 12, 1958

Mr. F. J. Baumgardner

encl
CITIZENS COMMITTEE TO PRESERVE
AMERICAN FREEDOMS
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950

Los Angeles airtel 12-9-58 furnished information concerning remarks made by Frank Wilkinson, executive secretary of captioned organization, regarding the support given by the American Civil Liberties Union (ACLU) to captioned organization and information concerning Clark Foreman, executive director, Emergency Civil Liberties Committee (ECLC), and Aubrey Williams, president, Southern Conference Educational Fund (SCEF). Wilkinson, in referring to Morris Ernst, described Ernst as being "the private lawyer of J. Edgar Hoover." While the bulk of the information contained in LA airtel had been received previously from other sources and disseminated to the Internal Security Division of the Department, it is felt that this information should be furnished the Attorney General and the Deputy Attorney General in view of the statements relating to the alleged entrees that Foreman and Williams have in Congressional circles in Washington. Also LA airtel set forth for the first time Wilkinson's remarks concerning Ernst and the Director; however, this remark is not being included in the memorandum to the Attorney General.

Captioned organization, SCEF and ECLC are under active investigation as communist front organizations and copies of investigative reports are furnished the Department on a continuing basis. Wilkinson, Williams and Foreman are subjects of current security investigations.

Howark airtel 12-10-58 in captioned matter advised of Wilkinson's surrender and arrest on 12-8-58 at Trenton, New Jersey, on a contempt of Congress charge. The warrant for Wilkinson's arrest was based upon a Federal Grand Jury indictment returned by the Federal Grand Jury, Northern District of Georgia, dated 12-2-58. Wilkinson's contempt of Congress charge grew out of his appearance before a hearing of the House Committee on Un-American Activities (HCUA) on 7-30-58 at Atlanta where he claimed that the HCUA was not a legally constituted body and therefore refused to answer questions concerning his background and past activities. In so refusing he did not invoke a Constitutional privilege. It is felt this information would also be of interest to the Attorney General, the Deputy Attorney General and the Assistant Attorney General, Internal Security Division.

100-387548
Enclosure
61-100 (ACLU)
100-112034 (Frank Wilkinson)
100-387548
MAIL ROOM
JUN 18 1967 DEC 22 1958

61-190-
NOT RECORDED
126 DEC 10 1958

ORIGINAL FILED IN 100-387548-245

Memo for Mr. Belmont

RE: CITIZENS COMMITTEE TO PRESERVE AMERICAN FREEDOMS
100-387548

RECOMMENDATION:

That the attached memorandum to the Attorney General, Deputy Attorney General and Assistant Attorney General, Internal Security Division be approved and transmitted setting forth pertinent details contained in the Los Angeles and Newark airtels.

Mr. Rosen

12/19/58

Mr. Callan

ACADEMIC FREEDOM COMMITTEE
AMERICAN CIVIL LIBERTIES UNION (ACLU)

Reference is made to the memorandum from Mr. Nease to Mr. Tolson dated 12/17/58 concerning the above captioned committee, suggesting that the minutes of a meeting of the above group be analyzed by the Investigative Division inasmuch as they concern inquiries by the FBI and other investigative agencies concerning students.

1. The inquiries referred to were those being made at educational institutions by Government investigators and prospective employers regarding students. The second paragraph on page two indicated that a proposal had been made that inquiries concerning former students should be channelled through an administrative office and that this suggestion had been disapproved because "this would encourage the collection of raw files in a central place."

Comment: Apparently the suggestion had been that whenever we were conducting an applicant-type investigation regarding a former student at an educational institution our agent would be referred to some central administrative office, which would receive his request for information, consider it and act upon it after having reviewed appropriate school records and after having contacted former professors of the individual in whom we were interested. Apparently, the material would be edited and then a reply would be made by the central administrative office to our inquiry. It is noted that the Academic Freedom Committee of the ACLU had disapproved this proposal.

2. "Some persons thought that questions about character did not directly relate to academic freedom, and that the Committee should confine its concern to whether or not professors and administrators should disclose information about political opinions or activities of former students. Some thought that the student-teacher relationship was a privileged one and that the giving of any information except a record of grades, was grossly improper. However, others pointed out that the students themselves would not like this; they want their former professors to give information to the prospective employer, the F.B.I., etc."

Comment: It is refreshing to note that some of the persons did not consider a man's character to be linked to a question of academic freedom. We are not interested in political opinions or activities of former students. We are interested in their loyalty and in any activities or associations, either with persons or groups which would reflect on their loyalty. If, by political opinions or

1 - Mr. Nease
1 - Mr. Tolson

CCC:fil (7)

52 DEC 24 1958

Memorandum for Mr. Rosen
Re: ACADEMIC FREEDOM COMMITTEE
ACLU

activities, the members of this committee meant activities in the Communist Party or its front groups, then there is a fundamental disagreement between this committee and the FBI and indeed, the U. S. Government itself as to the definition of political activities.

Members of the committee, of course, are entitled to their own opinions, but there is nothing which would indicate that the student-teacher relationship is a privileged one, and it is believed that if they attempted to utilize such an alleged privilege to avoid giving testimony in a court of law, they would soon find out that at least the courts of this country would not agree with them. Apparently, whether they felt that this relationship was a privileged one or not, they have decided that former professors should give information to a prospective employer or to the FBI because it would be in the best interests of the former students to do so.

3. "Many members agreed that the inquirer often does not know whether the position being applied for is a 'sensitive' one, and that it is therefore difficult to know when a question is grossly improper and completely irrelevant. It appears that in the physical sciences, however, the professor is informed that the position in question is a classified one."

Comment: The idea of sensitivity being a criterion of the nature and scope of an investigation is not new. This is the same line of thinking which has been advanced that persons who occupy nonsensitive positions in the Government should not be investigated as to loyalty. Our investigations are necessarily directed to determining the character, reputation and loyalty of the individual involved, regardless of whether or not he is to occupy a sensitive position. There is no reason why the Government of the United States should afford Government employment to an individual who is not loyal to it. It would likewise seem that a private employer should be entitled to refuse employment to an individual who is not loyal to the Government under which the private employer enjoys his existence.

The FBI in making its inquiries usually knows what position the individual involved is being considered for with the exception of some special inquiries. We do not, however, identify the position unless it has been the subject of comment in the public press, and we certainly make no comment on its sensitivity or nonsensitivity. We do tell

Memorandum for Mr. Rosen
Re: ACADEMIC FREEDOM COMMITTEE
ACLU

the people who are being interviewed that the person is under consideration for Government employment or that he may have access to restricted or secret information in which the Government has an interest. That would appear to be a sufficient predication for our investigation and we would get into a great deal of difficulty if we had any other rule. It has only been a few months ago that the White House raised a question as to whether or not agents did tell people whom they were interviewing during the course of special inquiry investigations the position for which the individual was being considered. We, of course, were able to assure the White House that we did not and this satisfied it.

We do not know the basis for the statement that in the physical sciences the professor is informed that the position is a classified one. This must be based upon inquiries made by other Government agencies.

4. "Some of those present indicated that in the last few years there had been a change in the nature of the questions asked. Previously, a question was always asked about political beliefs; more recently such a question has been replaced by two others: 1) is the person's own statement of his study and employment correct, and 2) does the person possess good character and integrity, i.e., can he be trusted. There was some feeling that these were appropriate questions."

Comment: We do not and have not asked questions about a person's political beliefs. This goes back to the previous paragraph. We do not care whether a person is a democrat, a republican, a socialist or what his political beliefs are so long as he does not advocate the overthrow of the Government of the United States by force or violence or has associated with a group which does. We are interested in the question of the person's loyalty, and if the members of this committee confuse loyalty with politics, there does not seem to be much we can do about it. We must consider the Communist Party a criminal conspiracy because that is what it is. For that reason we are interested in people who are members or adherents of the Communist Party. If these professors consider the Communist Party to be a political organization, then their education has been sorely neglected despite the fact that they have degrees of one kind or another. It is interesting to see that some of them ask questions as to whether a person's statement of his study and employment are correct and whether he possesses character and integrity are proper questions.

Memorandum for Mr. Rosen
Re: ACADEMIC FREEDOM COMMITTEE
ACLU

5. "Still another opinion expressed was that the professor is one of the people best qualified to answer questions about former students and that to say that no questions should be answered would do grave harm, especially in the case of students in professional training programs. In reply several members said that the student-teacher relationship should be a privileged one, but that our position should not preclude the professor's disclosing competencies.

Comment: Certainly, a professor is one of the people best qualified to answer questions about former students. Not to contact them would result in an incomplete investigation. The question of a student-teacher relationship being a privileged one has always been commented on.

6. "It was agreed that the discussion would be continued at the next meeting and that the Committee would first discuss whether any statement would be limited to inquiries from government investigating agencies, or would include inquiries from any prospective employers. The attention of the Committee was also directed to the possibility of proposing a list of approved lines of inquiry to the F.B.I. and other agencies."

Comment: Obviously, we cannot comment on any proposed list of approved lines of inquiry unless and until they are presented to us and then we should give careful consideration as to whether we wanted to make any reply. Our investigations must comply with the provisions of various statutes and executive orders, regardless of what this committee would like them to consist of.

ACTION TO BE TAKEN:

There appears to be no reason for any change in the nature and scope of our investigations or in the instructions which we have issued to our agents in the manuals, the Handbook and SAC Letters concerning the manner in which they should conduct our investigations of an applicant or special inquiry type.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson *ferne*

DATE: December 17, 1958

FROM : G. A. Nease *gan*

SUBJECT:

Tolson _____
 Belmont _____
 Mohr _____
 Nease _____
 Parsons _____
 Rosen _____
 Tamm _____
 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

It will be recalled that on November 25, 1958, I spoke to Irving Ferman about a report we had received that [redacted] Erie County Communist Party [redacted] Erie County, New York, had recently entered a discussion concerning the activities of the FBI in the Buffalo area and inferred that the American Civil Liberties Union (ACLU) may be interested in our activities particularly insofar as inquiries we might have made at educational institutions in that area.

I saw Irving Ferman this morning and he advised me he had thus far obtained no information concerning the above matter. He did state, however, that he had information wherein [redacted] of the *NY* Affiliate Chapter of the ACLU in the Buffalo area and that while he is alleged to be anti FBI he is also supposedly strongly anticommunist in a way. For example, Ferman stated that some time ago it was ascertained that the communists had a plant in the ACLU office in Buffalo, the plant being a female clerical employee. [redacted] found out about it and fired the woman forthwith.

He will let me know if he secures further information.

- 1 - Mr. Belmont
- 1 - Mr. Jones

GAN:sak *sk*
 (4)

REC-83

61-190-727

2 DEC 23 1958

*let to Buffalo
 12-17-58
 "American Civil Liberties Union"
 JHR:FC*

SEC
CRIMINAL

- Mr. Nease
- Mr. Kleinkauf

SAC, Buffalo
REC- 83

December 19, 1958

Director, FBI (61-190) *707*

¹³²
AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Irving Ferman, Washington representative of the American Civil Liberties Union (ACLU), whose identity should not be divulged, confidentially advised that sometime ago it was ascertained that the communists had a plant in the ACLU office in Buffalo, the plant being a female clerical employee and that [redacted] of the ACLU's office in Buffalo, found out about this and fired the woman.

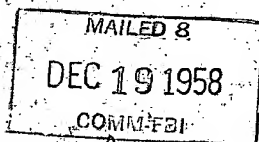
b6
b7C

You are instructed to review the files of your office in an effort to determine the identity of this female clerical employee. You should advise the Bureau immediately regarding this matter.

NOTE ON YELLOW:

Ferman furnished the above information to Mr. Nease on 12-17-58 and was set forth in memorandum Nease to Tolson of the same date. It is believed we should determine the identity of this individual.

JHK:fk *ju*
(5)



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6 DEC 30 1958

MAIL ROOM ☒ TELETYPE UNIT ☐

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: December 17, 1958

FROM : G. A. Nease *YMS*SUBJECT: ACADEMIC FREEDOM COMMITTEE
O AMERICAN CIVIL LIBERTIES UNION (ACLU)

Tolson	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Nease	<input checked="" type="checkbox"/>
Parson	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input checked="" type="checkbox"/>
W.C. Sullivan	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holloman	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

copy notes
Irving Ferman has previously furnished information concerning the activities of the above committee. He left with me today a copy of the minutes of the meeting they held on November 11, 1958.

Of interest to the Bureau are the several paragraphs appearing on page 2 under the caption of "Policy" which indicates the group considered "inquiries and surveillance by FBI and other investigatory agencies concerning students." This relates to inquiries being made by Government investigators at educational institutions regarding students.

RECOMMENDATION:

That this matter be referred to the Investigative Division in order that it may be appropriately analyzed.

Enclosure

- 1 - Mr. Rosen WITH ENCLOSURE
- 1 - Mr. Jones

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(4)

EX-101

REC-76

61-190-728

2 DEC 24 1958

ENCLOSURE

52 JAN 15 1959

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AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.

MINUTES

ACADEMIC FREEDOM COMMITTEE NY, NY

TUESDAY, NOVEMBER 11, 1958 - 7:15 P.M.

HOTEL MARTINIQUE, 32ND STREET AND BROADWAY

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PRESENT: Professor Hacker, chairman, presiding; [redacted] Messrs.

Guests: Professors Kirtley F. Mather, and Robert Alexander.
From the Office: Dr. Giles, Miss [redacted].

Mr. Hacker welcomed Professor Mather, long-time member of the Advisory Council, and Professor Alexander of Rutgers University.

MINUTES: The minutes of the October 14, 1958 meeting were approved as distributed with the date corrected to October 14, the substitution of [redacted] for [redacted] on page 2 under "Glasser case," and the addition of the following language as point 5 under "Remarks of Chairman," on page 1: "the success of the chairman, as a member of the Association of American Colleges, in having five changes accepted by the AAC in their report on the AAC-AAUP Statement on Procedural Standards in Faculty Dismissal Proceedings (see minutes of January 14, 1958)."

EXCUSED ABSENCES AND LEAVE OF ABSENCE: Excused absences were granted Messrs. [redacted] [redacted] was granted a leave of absence until his health will permit his serving, with the hope expressed that that time will be soon.

PROCEDURE: Death of Samuel P. Capen. The office announced the death of Samuel P. Capen, long-time member of the Advisory Council and Chancellor-Emeritus of the University of Buffalo. The Committee asked that the office convey its sympathy and deep condolences to members of the family.
Resignation of Mr. [redacted] The office reported that Mr. [redacted] had resigned as a member of and counsel to the Committee, because of increasing activity in other areas of the ACLU's work. The Committee adopted a motion accepting Mr. [redacted] resignation with warm thanks for his service and the hope that when there is urgent need it may call upon him.
Suggestions for new Counsel to replace Mr. [redacted] The chairman appointed Messrs. [redacted] a subcommittee to seek and recommend a replacement for Mr. [redacted]

OPERATIONS: Report on new regulations at Rutgers University. Mr. [redacted] reported on the regulations adopted by Rutgers in November, 1957. The regulations under which Professor Glasser was dismissed provided for the automatic dismissal of a faculty member who invoked the Fifth Amendment; the new regulations provide that "reprehensible" conduct, and that which is "detrimental to the University" are grounds for dismissal and due process is provided where such charges are made. The procedural safeguards are good ones and while the substantive criteria are not those of which the Committee would approve, Mr. [redacted] recommended that no action be taken. After

61-190-728
ENCLOSURE

full discussion, including helpful information from Professor Alexander, it was decided that no action should be taken for the time being. Communication to Fund for the Republic. Mr. Hacker presented his notes for a suggested communication to the Fund for the Republic on The Academic Mind, the Lazarsfeld study concerning the reactions of social science professors to the period of McCarthyism. After discussion it was decided to table the proposal.

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POLICY: Inquiries and surveillance by F.B.I. and other investigatory agencies concerning students. Mr. Hacker read from a copy of a letter of advice from [redacted] to a group at Berkeley interested in this problem; Dr. Giles read a clipping on that group's action. In addition, the Committee had before it the November 4 notes of Louis Hacker and a copy of [redacted] letter on the matter. The Committee was in general agreement that inquiries about former students should not be channelled through an administrative office as this would encourage the collection of raw files in a central place.

Some persons thought that questions about character did not directly relate to academic freedom, and that the Committee should confine its concern to whether or not professors and administrators should disclose information about political opinions or activities of former students. Some thought that the student-teacher relationship was a privileged one and that the giving of any information except a record of grades, was grossly improper. However, others pointed out that the students themselves would not like this; they want their former professors to give information to the prospective employer, the F.B.I., etc.

Many members agreed that the inquirer often does not know whether the position being applied for is a "sensitive" one, and that it is therefore difficult to know when a question is grossly improper and completely irrelevant. It appears that in the physical sciences, however, the professor is informed that the position in question is a classified one.

Some of those present indicated that in the last few years there had been a change in the nature of the questions asked. Previously, a question was always asked about political beliefs; more recently such a question has been replaced by two others: 1) is the person's own statement of his study and employment correct, and 2) does the person possess good character and integrity, i.e., can he be trusted. There was some feeling that these were appropriate questions.

Still another opinion expressed was that the professor is one of the people best qualified to answer questions about former students and that to say that no questions should be answered would do grave harm, especially in the case of students in professional training programs. In reply several members said that the student-teacher relationship should be a privileged one, but that our position should not preclude the professor's disclosing competencies.

It was agreed that the discussion would be continued at the next meeting and that the Committee would first discuss whether any statement would be limited to inquiries from government investigating agencies, or would include inquiries from any prospective employers. The attention of the Committee was also directed to the possibility of proposing a list of approved lines

1 of inquiry to the F.B.I. and other agencies.

INFORMATION: Assignment of new members to subcommittees. The office announced the following subcommittee assignments: Mr. [redacted] Freedom of Knowledge and Freedom of Movement for Scholars; Messrs. [redacted] The University and Contract Work; Mr. [redacted] to the Relationship of Corporate Structure to Academic Freedom in Higher Education.

Barenblatt Case. Mr. Giles reported on the Barenblatt case, concerning a teacher who pleaded the First Amendment in a House Un-American Activities Committee investigation into education; the case, ACLU-supported, is currently before the Supreme Court. The government in the portion of its brief concerning academic freedom quotes from the 1953 Statement of the AAU to show the propriety of such investigations. This highlights the need to secure re-examination and possible changes in the AAU statement.

ADJOURNMENT: The meeting was adjourned at 10:10 P.M.

Sponsored by the National Council of the Churches of Christ in the U.S.A., 600 delegates to the World Order Study Conference unanimously urged that Communist China be granted diplomatic recognition by the United States and admitted to the United Nations. Other statements adopted by the Conference called for "stronger efforts should be made to break through the present stalemate and to find ways of living with the Communist nations. Sometimes this is called 'co-existence,' but we are concerned with something more than the minimum meaning of the word. Our relationship with the Communist nations should combine competition between ways of life with cooperation for limited objectives, our resistance to Communist expansion goes with recognition of the fact that Communist nations as nations, have their own legitimate interests and their own reasonable fears. We should avoid the posture of general hostility to them and cease the practice of continual moral lectures to them by our leaders."

These statements were part of a 5,000-word document entitled, "Message to the Churches." It is interesting to note that the entire statement was prepared by a 23-member Conference Committee "headed" by the REV. DR. JOHN COLEMAN BENNETT, Dean of the Faculty of the undenominational Union Theological Seminary of New York City. Readers will recall that certain views of DR. BENNETT appearing in the August 15, 1958 Firing Line are seemingly similar in vein to some of the aforementioned pronouncements adopted by the World Order Study Conference. At the close of the Conference, REV. DR. EDWIN THEODORE DAHLBERG, President of the National Council of Churches, stated: "It is to be hoped that our Government and the United Nations will take to heart the message and findings of this Conference." A report on DR. DAHLBERG's background was contained in the January 15, 1958 Firing Line. (See "The Evening Star," Washington, D. C., 11-22-58, page B-13; "The New York Times," 11-22-58, page C-8; and "Firing Line," 12-1-58.)

On November 22, 1958, both REV. DR. DANIEL A. POLING and REV. DR. NORMAN VINCENT PEALE issued strongly worded statements repudiating the Conference pronouncements regarding Communist China. DR. POLING said he believed "that this action misrepresents my Protestant faith. With every influence that I have, I repudiate it...I maintain that this resolution represents only the men who endorsed it and not the Protestant community of the United States...Certainly the National Council of Churches...must accept full responsibility for this action." DR. PEALE declared he was "one minister who is completely opposed to recognition of Communist China and the admission of that ruthlessly totalitarian government to the councils of nations." According to DR. PEALE, "were this government to recognize Red China, the millions living under Communist tyranny would feel completely abandoned and in despair would give up all hope of resistance. Communist power would sweep over the entire Far East and creep nearer to us across the Pacific." (See "The New York Times," 11-24-58, page C-32; and "The Sunday Star," Washington, D. C., 11-23-58, page A-10.)

Speaking before the Conference prior to the adoption of the controversial pronouncements, Methodist Bishop G. BROMLEY OKNAM claimed "too much of our policy is based on fear of Communism rather than faith in freedom - 'let the hysterical stay under the beds as they search for the Communists...'" On December 3, 1958, the General Board of the National Council of Churches disclaimed responsibility for the Conference's resolution in Communist China. (See "Cleveland Plain Dealer," 11-19-58; and "The New York Times," 12-4-58, page C-19.)

HELP BUILD SUBSCRIPTIONS. INTEREST YOUR FRIENDS IN THE FIRING LINE.

THE AMERICAN LEGION



FIRING LINE



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VOL. NO. VIII, NO. 1

January 1, 1959

REPORT ON THE CAMPAIGNS TO DESTROY THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

With the convening of the First Session of the 86th Congress on January 7, 1959, certain subversive and left-wing organizations in the United States are expected to launch vicious attacks against the House Committee on Un-American Activities (HUAC) for the avowed purpose of terminating the Committee's existence. Activities of several of these groups which have been mentioned in previous issues of the Firing Line, while strikingly similar in purpose, do not all reflect origin from a common source.

One of the major organizations initiating an abolition campaign is the left-wing American Civil Liberties Union (ACLU) and its Southern California affiliate. Foundation for the latest ACLU attack against the HUAC was actually laid on February 19, 1958, when the ACLU's national organization petitioned the Supreme Court of the United States "to rule conclusively that the House Un-American Activities Committee has no right to inquire into a person's political beliefs and associations." The ACLU statement was in support of LLOYD BARENBLATT, a former Vassar College psychology instructor, who appealed a contempt of Congress conviction. BARENBLATT was cited for contempt following his appearance before the HUAC on June 28, 1954, based upon his refusal to answer numerous questions regarding alleged membership and activities in the Communist Party. (See ACLU, "Civil Liberties," March 1958, page 1.)

Following his conviction, BARENBLATT appealed to the United States Circuit Court of Appeals for the District of Columbia. When the Court of Appeals upheld BARENBLATT's conviction in January 1957, he promptly took his case to the Supreme Court. On the basis of the Court's decision in the JOHN T. WATKINS case, the Supreme Court remanded the BARENBLATT case to the Court of Appeals for reconsideration on June 24, 1957. For a second time, the Court of Appeals on January 16, 1958, upheld BARENBLATT's conviction. Shortly after the ruling, the ACLU joined in a second appeal to the Supreme Court on which there has been no decision to date. (See HUAC, Annual Report, 1957, page 10; "The New York Times," 3-31-58, page 16; and "The Washington Daily News," 11-18-58, page 14.)

According to the ACLU, "the significance of the Union's petition (in the BARENBLATT case) lies in its request that the high court rule that its decision last June (17, 1957) in the WATKINS case specifically prohibits inquiry by the Un-American Activities Committee into political beliefs and associations. The WATKINS decision, in a case also supported by the ACLU, reversed a contempt conviction because the witness was not informed of the nature of the inquiry and the 'pertinency' of the questions concerning Communist associations. However, it also criticized the Committee's 'exposure'

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61-190-

of persons accused of Communist ties and the vagueness of the term 'un-American'." In announcing the ACLU had "assumed primary responsibility" for the BARENBLATT case in February 1958, ACLU Executive Director PATRICK MURPHY MALIN "said the Union hoped the Supreme Court would 'finally determine the unconstitutionality of the Committee's (HUAC) mandate'." (See ACLU, "Civil Liberties," March 1958, page 1.)

On July 31, 1956, MALIN stated the ACLU "believes that the letter and spirit of the First Amendment make the mandate of the HUAC unconstitutional or unwise, or both. That has been the Union's belief ever since the Committee was established in the late Nineteen Thirties...So this is the time to urge that no Committee with such a mandate should be appointed when the new Congress convenes next January (1957)." An ACLU brief filed with the Supreme Court on September 6, 1958, on behalf of BARENBLATT directly challenged the authority of the HUAC. The ACLU brief asserted that the HUAC "lacks authority to conduct any investigation or to compel testimony...(and) that the Committee violates due process and unconstitutionally tries to restrain freedom of belief, expression and association protected by the First Amendment." (See "The New York Times," 10-27-58, page C-29.)

ENTER ACLU OF SOUTHERN CALIFORNIA

Supplementing the national ACLU's spearheading attack against the HUAC is the probing flank movements of its Southern California affiliate. The September 1958 issue of The Open Forum, a monthly organ of the Southern California ACLU stated it had filed a \$20,000 damage suit in the Ninth United States District Court charging that the HUAC "is an illegal Committee of Congress." The suit was on behalf of DONALD WHEELDIN and ADMIRAL GEORGE DAWSON, who had been subpoenaed by the HUAC to appear before Committee hearings scheduled to commence on September 2, 1958. The complaint asked the Court to "quash the subpoenas issued to WHEELDIN and DAWSON pending a hearing on the legality" of the HUAC.

According to The Open Forum, WHEELDIN and DAWSON "claim they would be 'publicly accused of disloyalty, adjudged guilty without a hearing, and rendered unemployable' if forced to appear before the Committee. WHEELDIN left the Communist Party because of 'fundamental differences with it,' but would not be a 'cooperative' witness before the Committee. DAWSON also would not be a cooperative witness." It is noteworthy that the September 1, 1958 edition of the National Guardian reflected WHEELDIN was a former employee of... the People's World, "the official organ of the Communist Party on the west coast." (See HUAC, Guide To Subversive Organizations and Publications, 1957, page 100.)

The Southern California ACLU, at its Legislative Action Conference held at Baces Hall, 1528 North Vermont, Los Angeles on November 15, 1958, launched a month-long petition campaign urging 17 California Congressmen "to offer at the opening of the 86th Congress a resolution to eliminate the Committee on Un-American Activities from the list of Standing Committee's of the House of Representatives." On the basis of the Southern California ACLU's total membership of 4,000, every member was asked to secure 25 signatures to meet the petition campaign goal of 100,000. ALAN BARTH, who has been an ACLU National Committeeman since 1952, was the keynoter at the aforementioned Conference. Currently on leave as a "chief editorial writer" for the Washington Post and Times Herald, BARTH was identified in the March 15, 1954 Firing Line as a severe critic of the FBI. In addition to "mailing out

petitions to its own members," the National Guardian of November 24, 1958, page 1, reported the Southern California ACLU "has asked other organizations and individuals to do the same." The Los Angeles edition of the People's World, dated November 15, 1958, page 3, stated "one organization to announce immediate support and assistance was the Los Angeles Committee to Preserve American Freedoms (accurately known as the Citizens Committee to Preserve American Freedoms), whose central aim has been the outlawing of the Un-American Committee and similar state inquisitorial Committees." MRS. DOROTHY MARSHALL is the Citizens Committee's Chairman and FRANK WILKINSON is the group's Executive Secretary. (See "The Open Forum," November 1958, page 1.)

Both MRS. MARSHALL and WILKINSON described the Southern California ACLU "petition campaign as 'the most important development in the country' in the move to end the 20-year reign of the un-Americans (HUAC)." Accompanied by a letter, MRS. MARSHALL reportedly mailed ACLU petitions to "5,000 homes" in that State. In its report entitled, "Operation Abolition," dated November 8, 1957, the HUAC stated the "major adjunct of the Emergency Civil Liberties Committee (ECLC) in the California area is an organization designating itself as the Citizens Committee to Preserve American Freedoms." Full disclosures concerning the activities of the ECLC, an identified Communist-front, have appeared in recent issues of the Firing Line. (See HUAC, Guide To Subversive Organizations and Publications, 1957, page 38.)

On August 13, 1958, the House of Representatives cited WILKINSON for contempt of Congress and forwarded his case to the Department of Justice for possible prosecution. This action stemmed from WILKINSON's uncooperative appearance before an HUAC hearing in Atlanta, Georgia, on July 30, 1958. WILKINSON has been identified as a member of the Communist Party. HUAC Chairman FRANCIS E. WALTER stated on August 8, 1958, the HUAC "had information that WILKINSON is 'the guiding light' of the ECLC, and had been designated by the Communist Party to manipulate that Committee and some of its affiliated organizations." According to an ECLC mimeographed letterhead, dated August 12, 1958, WILKINSON "amicably" left the employ of the ECLC prior to August 1, 1958, however, "remains a member" of the ECLC's National Council. (See "The Evening Star," Washington, D. C., 8-14-58, page A-21.)

During September 1958, the Southern California ACLU inserted "political advertisements" in five Los Angeles newspapers attacking the HUAC for conducting hearings in that city. The ACLU statement was signed by 98 individuals who urged that letters of protest be sent to Members of Congress. In addition to the ACLU sponsored petitions and letter writing campaigns, the Communist Party and its 600 fronts are obviously very actively engaged in similar projects to attempt to abolish the HUAC during the 86th Congress. It is reliably reported the Communist Party, "making use of their fellow travelers and dupes, plus their 'united front tactic,' ...can have 50,000 letters on any issue sent to Capitol Hill or the White House inside of 72 hours." As a Legionnaire or as another patriotic American who has wholeheartedly endorsed the effective anti-subversive efforts of the House Committee on Un-American Activities - What are you going to do to counteract these intensified abolition campaigns?

ON THE RELIGIOUS FRONT

Several pronouncements of the Fifth World Order Study Conference held in Cleveland, Ohio, in November 1958 have been strongly repudiated by certain Protestant clergy, laymen and other God-fearing, thinking Americans.

FEDERAL BUREAU OF INVESTIGATION

1958

TO:

- ☐ Director
- ☐ Mr. Tolson, 5744
- ☒ Mr. Belmont, 5742
- ☐ Mr. Mohr, 5517
- ☐ Mr. Parsons, 7621
- ☐ Mr. Rosen, 5706
- ☐ Mr. Tamm, 5256
- ☐ Mr. Trotter, 4130 IB
- ☐ Mr. Sizoo, 1742
- ☐ Mr. Nease, 5640
- ☐ Mr. McGuire, 5642
- ☐ Mr. Wick, 5634
- ☐ Mr. DeLoach, 5636
- ☐ Mr. Morgan
- ☐ Mr. Jones, 4236
- ☐ Mr. Waikart, 7204
- ☐ Mr. Eames, 7206
- ☐ Mr. Wherry, 5537
- ☐ See Me
- ☐ Call Me
- ☒ For Your Info
- ☐ For appropriate action
- ☐ Mr. Clayton, 5744
- ☐ Miss Gandy, 5633
- ☐ Mr. Holloman, 5633
- ☐ Mail Room, 5531
- ☐ Courier Service, 1541
- ☒ Records Branch
- ☐ Pers. Records, 6644
- ☐ Reading Room, 5533
- ☐ Teletype, 5644
- ☐ Code Room, 4642
- ☐ Mechanical, B-110
- ☐ Supply Room, B-216
- ☐ Tour Room, 5625
- ☐ Stop Desk, 7712
- ☐ Miss Lurz
- ☐ Mrs. [Redacted]
- ☐ Miss [Redacted]
- ☐ Miss [Redacted]
- ☐ Miss [Redacted]
- ☐ Miss [Redacted]

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Note & Return

61-190-
NOT RECORDED
126 JAN 7 1959

G. A. Nease
Room 5640, Ext. 691

NOT RECORDED
2 JAN 1959

AMERICAN CIVIL LIBERTIES UNION

ORIGINAL FILED IN 100-418228-

10 ENCLOSURES
67 JAN 9 1959

file
Place CC in
ACLU
CC P. 100
mail room of clerk of court
file

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (61-190)

DATE: 12/29/58

FROM : SAC, Buffalo (100-2406)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

ReBulet 12/19/58.

This office has no information concerning the matter set forth in reBulet. Neither security informants nor security sources of this office have previously furnished any data pertaining to this matter. Likewise current reviews of pertinent files reflect nothing about a Communist plant in the ACLU office in Buffalo.

The Buffalo Office will remain alert to any information about this matter and advise the Bureau accordingly.

(2 - Bureau (AM-RM)

2 - Buffalo

(1 - 100-14544, [REDACTED])

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REC-46

61-190-730

DEC 31 1958

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JAN 31 1959BIBB
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① (H) ① AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON, INCORPORATED
① (ACLU) SEATTLE, WASHINGTON - INFORMATION CONCERNING - INVESTI-
GATION OF FBI ACTIVITIES -- The Board of Directors of the ACLU
chapter, Seattle, Washington, in its meeting of November 6, 1958
made inquiry as to the scope and work which the Board expected
of the Committee on its "investigation of FBI activities." The
Board minutes then were read as follows:

66-04-2817

"1) It is the sense of the Board that the Committee
investigate instances of abuses and unwarranted action of the
FBI in this State and report its findings and recommendations
to the board;

"2) It is the sense of this Board that we request the
National ACLU to undertake a similar study throughout the
country."

All offices should be alert for the receipt of any
information indicating ACLU intends to follow through with
the announced plans of the Seattle chapter. Any information
developed concerning this matter should be immediately brought
to the attention of the Bureau.

12/30/58
SAC LETTER NO. 58-84

66 JAN 12 1959

61-190-
NOT RECORDED

JAN 12 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont *AHB/gm*

DATE: 12/22/58

FROM : Mr. J. F. Bland *JFB*SUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON, INCORPORATED
SEATTLE, WASHINGTON
INFORMATION CONCERNING - INVESTIGATION OF
FBI ACTIVITIES

Memorandum dated 12-17-58 from Mr. Nease to Mr. Tolson captioned as above attached the minutes of the Board of Directors meeting of the above group held on 11-6-58 as furnished by Mr. Irving Ferman. Ferman pointed out to Mr. Nease that he intends to keep an eye on the various chapters of the American Civil Liberties Union (ACLU) regarding this matter. Item 2 of the minutes in question was entitled "Investigation of FBI Activities." The Board of Directors made inquiry as to the scope and work which the Board expected of the committee on its investigation of FBI activities. In response to this inquiry the Board minutes were read as follows:

"1) It is the sense of the Board that the Committee investigate instances of abuses and unwarranted action of the FBI in this State and report its findings and recommendations to the board;

"2) It is the sense of this Board that we request the National ACLU to undertake a similar study throughout the country."

A member of the Board at this meeting also advised of a complaint by a Mrs. Kenny to the effect that she had been fired from her job as a waitress in Seattle as a result of an FBI Agent's call to her employer advising him that she was an undesirable person. The Board member stated he suggested that Mrs. Kenny advise President Eisenhower and other Government officials of the incident. Mrs. Kenny is identical with Marion Rowena Kinney, a Security Index subject of the Seattle Office. This allegation previously brought to Bureau's attention by Seattle Office when Office of Congressman Don Magnuson of Washington received a letter from Kinney which was referred to Seattle Office of Bureau. Office of Congressman Magnuson and the Department advised by Bureau communications dated 11-10 and 11-12, respectively, that allegation of Kinney completely false and were referred to public source information regarding Kinney appearing in House Committee on Un-American Activities (HCUA) report covering its hearings in Seattle on 12-13 and 14-56, when Kinney publicly identified as Communist Party member.

Enclosure *sent 12-26-58*

- 1 - Mr. Nease
- 1 - Mr. Belmont
- 1 - Mr. Bland

JAJ:ba

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JAN 3 1959

EX-101

4 JAN 6 1959

SUBV. CONT.

UNRECORDED COPY FILED IN 100-335641

Memorandum for Mr. Belmont
Re: AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON, INCORPORATED

OBSERVATION:

In view of the possibility that chapters of the ACLU throughout the United States may possibly adopt the same procedures as the Seattle Chapter, it is believed desirable that all offices be alerted to immediately advise the Bureau of any action of a similar nature taken by the local ACLU chapters.

RECOMMENDATION:

If you agree, attached is an SAC letter with appropriate instructions.

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 * NEXT MEETING *
 * Thursday, December 4, 8 P.M. *
 * University Unitarian Church *
 * Seattle *

X American Civil Liberties Union
 MINUTES
 Board of Directors Meeting
 November 6, 1958

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Present: [redacted] presiding:
 Messrs: [redacted] Gilmartin, [redacted],
 [redacted] Rader, Ringold, [redacted]
 Mesdames: [redacted]
 Staff: [redacted]
 Guests: [redacted]

1. MINUTES. The minutes of the October meeting were corrected to read under No. 3, line 4: "... the action of the Committee...". The minutes were approved as corrected.

The Board thanked Prof. Rader for his services and assistance in bringing to a successful conclusion the re-instatement of Mr. [redacted] to the teaching staff at Eastern Washington College of Education in Cheney.

OLD BUSINESS:

2. INVESTIGATION OF FBI ACTIVITIES. [redacted] reported two views existed within the committee appointed as to the mandate from the Board as to the scope of the inquiry and work of the committee, and Mr. [redacted] requested clarification. The minutes of the August meeting were consulted and the chairman announced as follows:

- 1) It is the sense of the Board that the Committee investigate instances of abuses and unwarranted action of the FBI in this State and report its findings and recommendations to the board;
- 2) It is the sense of this Board that we request the National ACLU to undertake a similar study throughout the country.

Mr. [redacted] reported on a complaint he received from a Mrs. Kenny, a local resident who has twice been called in front of the HUAC. Mrs. Kenny states that recently she has been employed as a waitress and was fired from her job as a result of an FBI agent's call to her employer advising him that she was an undesirable person. In response to her request for advice, Mr. [redacted] suggested that she write letters to President Eisenhower and other governmental and congressional leaders reporting the incident.

3. POLITICAL ACTIVITIES OF STAFF. The National ACLU Board recommended that no further limitations be placed on the political activities of National staff members (see minutes of July 10 and August 7 Board meeting).

61-190-732 ENCLOSURE

NEW BUSINESS:

4. BILL OF RIGHTS DAY COMMITTEE REPORT. [redacted] made the following recommendations in behalf of his Committee:

- 1) That we obtain sponsors from individuals and groups for a full page ad in the two daily papers reprinting the Bill of Rights. The cost of this would be approximately \$ 2,400.- to be paid by the sponsors of the ad.
- 2) That ACLU write letters to all daily newspapers in the State calling attention to Bill of Rights Day.

*see to Talamo memo
 12-17-58
 JRM*

- 3) That ACLU arrange for at least one public meeting on or about Bill of Rights Day;
- 4) Contact the school administration and offer speakers for school assembly programs;
- 5) Plan a TV program for Community Workshop on KING-TV;
- 6) Offer program material for radio and TV shows including "Viewpoint", "Challenge of Books" "Point of View" etc.
- 7) Request the Governor to proclaim Bill of Rights Day.

[redacted] suggested that the Committee consider contacting business and service clubs and offer speakers for Bill of Rights Day.

It was moved, seconded and carried that the Committee report be accepted but that we disapprove the suggestion that funds be solicited for the full page ad in the newspapers.

6. QUESTION CONCERNING COMMUNIST AFFILIATION ON PASSPORT APPLICATIONS.

The Chairman reported on an investigation conducted at the Seattle office of the U.S. District Court which revealed that the old passport application forms which ask "Are you now or have you ever been a member of the Communist Party" were still being used. Upon inquiry the clerk stated that no efforts were being made to get applicants to fill out this question.

A letter was read from the Philadelphia Chapter protesting the use of the forms and requesting action by the National ACLU. Some correspondence has taken place between the National ACLU and the Passport Office in Washington however the latter declined to either remove the forms or to stamp the question "void".

A motion was carried as amended that we concur with the Philadelphia Chapter's position and that we write to the Secretary of State expressing our opposition to the continued use of the old passport application forms and that we request that the particular question be deleted; also that we write to our congressional delegation calling attention to the situation; also that we request the National ACLU office to make further efforts to have the question deleted immediately without waiting for the old forms to be used up.

7. LOYALTY OATH COMPLAINT. Mr. [redacted] reported the case of a Mr. [redacted] who was refused employment at the Seattle Public Library because he would not sign the loyalty oath. A motion was carried that the Chapter appoint a committee to approach the proper library authorities and negotiate the matter.

Prof. [redacted] moved that the Board investigate Public Law 85-864, the National Education Defence Act which contains a loyalty oath provision to be signed by all grantees and that we ask the National office to work for the elimination of this requirement. The motion was carried.

8. MEMBERSHIP MEETINGS. [redacted] reported that six neighborhood meetings had been held in Seattle during the last two weeks of October. 115 ACLU members and 50 non-members attended with an average attendance of 28 persons for each meeting. The program was a highly successful one with the credit due the Education Committee, the speakers and discussion chairmen and the hosts.

9. Treasurer's Report: September 30 Balance	\$ 569.83
October Income	497.41
	<hr/> 1,067.24
October Expenses	874.23
October 30 Balance	<hr/> 193.01

It was recommended that a detailed financial statement be mimeographed and distributed at each Board meeting.

It was also reported that the net profit on the sale of Chinese paintings to date was \$ 159.53 and that 17 paintings were yet unsold.

10. CIVIL LIBERTIES IN THE LABOR UNIONS. At the suggestion of Prof. Melvin Rader, the Board voted to establish a Committee to draft legislation providing for democratic processes in the labor unions to be introduced in the next session of the State Legislature.

11. [] CASE. [] appeared before the Board stating that the trial of [] to begin on Monday, November 10, presented a civil liberties issue. Mr. [] gave details of the very wide and unfavorable publicity given Mr. [] in the press and over the radio and TV as well as by proponents of 202, all of which will make it impossible for him to obtain a fair trial. Mr. [] asked that ACLU join in the request for a continuance of the trial date.

After discussion, it was moved, seconded and carried that the Chapter in the name of member attorneys file an amicus brief supporting the motion. The Chairman asked Solie Ringold to prepare the brief and to obtain as many signatures as time would allow and present the same to the District Court in Tacoma on November 10.

Announcement: Aron Gilmartin reported that Ronald Segal, editor of the magazine "Africa South" will speak at Guggenheim Hall on November 20 at 8 P.M. on the present apartheid system in South Africa.

Respectfully submitted,

[]

286-961-19

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: December 17, 1958

FROM : *GA* G.A. NeaseSUBJECT: AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON, INC.
SEATTLE, WASHINGTON

aw

Tolson	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Nease	<input checked="" type="checkbox"/>
Parsons	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input checked="" type="checkbox"/>
W.C. Sullivan	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holloman	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

GA

In speaking with Irving Ferman today he pointed out he intends to keep an eye on the various chapters of the ACLU in order to determine what they are up to. He furnished me with the attached copy of the minutes of the Board of Directors meeting of the above group which was held in Seattle, Washington, on December 4, 1958. Of interest to us is item 2 appearing on the first page entitled "Investigation of FBI Activities." The information set forth therein is self explanatory.

RECOMMENDATION:

That a copy of the minutes of this meeting be referred to the Domestic Intelligence Division for their analysis and appropriate attention.

Enclosure

1 - Mr. Belmont - Enclosure

GAN:sak
(3)

Memo to Belmont
12-22-58
w/577c let
12-19-58
JAG/baw

aw

ENCLOSURE

REC-6

61-190-732

JAN 8 1959

EX

CRIME REC.

~~67 JAN 13 1959~~ 66 JAN 14 1959

FEATURE PRESS SERVICE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK

ERNEST ANGELL
Chairman
Board of Directors

EDWARD J. ENNIS
OSMOND K. FRAENKEL
BARENT TEN EYCK
General Counsel

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

ORegon 5-5990

WEEKLY BULLETIN #1977

Alan Reitman, Assistant Director
in Charge of Public Relations
December 29, 1958

U. S. COURT OF APPEALS RULES AGAINST NEGRO RAILROADMEN

The U. S. Sixth Court of Appeals has ruled against a group of Negro railroaders who challenged a labor union's denial of membership to them. The union involved is the Brotherhood of Locomotive Firemen. The American Civil Liberties Union and its affiliate, the Ohio Civil Liberties Union, filed a friend of the court brief in behalf of the Negro workers.

In the ACLU brief, two major points were made. First, that denial of membership in a duly elected bargaining representative, based on race, is incompatible with the equal protection afforded by the Fourteenth Amendment and the due process guaranteed by the Fifth Amendment. Second, the brief asserted, an alternative ground for complaint rests in the body of court decisions which struck down "separate but equal" facilities in schools.

The Appeals Court, affirming an earlier decision by a U. S. District Court, denied the first argument. It said that the Railway Labor Act does not prescribe qualifications for membership to bargaining agents. The Act merely insures that all employees shall have a vote in choosing this bargaining agent, the court pointed out.

It advised: "For injustices due to discrimination or inadequate representation and participation to employees who are not members of the bargaining agent, the employees must look to the legislative, not the judicial branch of constitutional government."

Turning to the second argument, the court reviewed the earlier decision by the district court. Here, it pointed out, alleged acts of discrimination against the Negroes are actually legitimate practices used by most unions for reasons other than discrimination.

"Since they apply to all who come within the terms of the rule involved, whether the individuals are white or colored, this court cannot state definitely that this Brotherhood adopted these practices for the purpose of discriminating against the Negroes," the district court had said.

The Appeals Court said these findings are "eminently correct and are supported by substantial evidence. There is, therefore, no occasion for further consideration of appellants' second argument."

ACLU UNDERTAKES NEW TEST OF HOUSE UN-AMERICAN ACTIVITIES COMMITTEE

The American Civil Liberties Union disclosed on December 19 that it had posted \$1,000 bond for Frank Wilkinson of Los Angeles, in a test case challenging the constitutionality of the House Un-American Activities Committee. Wilkinson has been indicted by a federal grand jury in Atlanta, Ga. for refusing to answer questions concerning alleged Communist associations at a hearing of the House Committee in the southern city last July.

The civil liberties organization said that an appeal had been sent to the U. S. Attorney for the Northern District of Georgia requesting that Wilkinson's arraignment in Atlanta be set for February 10, 1959 and that filing of pre-trial motions be scheduled for thirty days after the U. S. Supreme Court rules in the Barenblatt case. The high court has already heard argument in this case, concerning a former Vassar College psychology professor, Lloyd Barenblatt. The Barenblatt case is also being handled by the ACLU.

In a letter to U. S. Attorney James W. Dorsey, ACLU staff counsel Rowland Watts said the Union will provide representation for Wilkinson at the trial and that efforts are being made to secure local Atlanta counsel. In suggesting these dates,

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

JAN 15 1959

December 29, 1958

Watts said that the government and the defendant would mutually benefit by learning the Supreme Court's views in the Harenblatt case, a parallel case testing the validity of the House Committee's power to probe citizens' political beliefs and opinions. The government attorney replied that the Court calendar had been arranged, with the arraignment scheduled for January 12 and the trial set for the week of January 19.

In disclosing the legal details of Wilkinson's indictment, the ACLU emphasized that it was interested in the case solely because of its long-held belief that the mandate of the House Committee to investigate "un-American propaganda" was a violation of the First Amendment.

"Since the House Committee was organized in 1938, the ACLU repeatedly has voiced its opposition to the Committee's mandate as an intrusion into the citizen's right - guaranteed by the First Amendment - to engage in political association and to express political opinion. The U. S. Supreme Court, in recent decisions, has curbed the power of the House Committee, but has not ruled precisely on the fundamental issue of the mandate's constitutionality.

"As is the ACLU's rule in all its cases, the Wilkinson test case is undertaken only because of the civil liberties importance of this constitutional question, and in no way is an endorsement of or sympathy with whatever Wilkinson's political opinions may be. The case will be handled by the ACLU alone, without the assistance of any other national organization."

NATIONAL JEWISH AGENCY WARNS AGAINST FIRST AMENDMENT CURB IN FIGHTING BOMBING ATTACKS

A warning not to "panic" or use anti-civil liberties measures in combating bigotry and recent bombing outbursts has been issued by the American Jewish Congress.

The Congress, meeting in Philadelphia recently, said measures such as group libel legislation, postal censorship or irresponsible Congressional investigations would be ineffective and a threat to civil liberties.

The Congress recommended instead: a federal law making it a federal offense to transport explosives across state lines with intent to use them against buildings or dwellings; enforcement by the Dept. of Justice of current statutes making it a federal offense to conspire to deprive persons of federally secured rights; investigation by the Federal Civil Rights Commission on Civil Rights of the denial of voting rights in the south; and acceptance of "full responsibility" by the executive and legislative branches of the government "to implement the mandate of equality of education laid down by the Supreme Court."

Some 250 leaders of the organization approved the recommendations.

ACLU PROTESTS MISHANDLING OF ARMY LOYALTY FORM

The American Civil Liberties Union has reported to the Secretary of the Army an incident involving the alleged failure of the Army to explain loyalty forms fully to draftees at induction centers.

The report was embodied in a letter to Army Secretary Wilber M. Brucker from Rowland Watts, staff counsel of the ACLU.

The incident, as related to the ACLU by a young draftee, occurred at Fort Knox, Ky. The youth asserted that each man, after completing physical and mental tests, was called individually to a desk at one end of the room.

There, he said, a non-commissioned officer stood with a large stack of printed papers. As each man came up, the non-com asked him to "sign your name here and here and write 'no comment' here.

"Never was any man told what he was signing, nor was the content of the paper ever mentioned," the draftee charges. When he protested, he said, he was given the form to read but the regular process went on behind him.

The ACLU, in its letter, asked that an investigation be carried out. It suggested, too, a new message from the Secretary of the Army, reminding military personnel that they are obliged to explain this form in full to all who sign it.

CIVIL LIBERTIES BRIEF

NUDIST MAGAZINES got two Oklahoma dealers in trouble, too. Police arrested a newsstand employee and a salesman on charges of selling alleged lewd literature -- Sunshine and Health, and Sun magazines. Trial is pending.

5-12 (Rev. 10-27-58)

FEDERAL BUREAU OF INVESTIGATION
LIAISON SECTION

b6
b7c

JAN 14 1959

, 1958

Director

Mr. Tolson

Mr. Belmont

Mr. Mohr

Mr. Nease

Mr. Parsons

Mr. Rosen

Mr. Tamm

Mr. Trotter

Mr. Holloman

Mr. Sizoo

Mr. Moore

Mr. Baumgardner

Mr. Bland

Mr. Branigan

Mr. Donahoe

Mr. Scatterday

Mr. W.C. Sullivan

Mr. Tavel

Mr. M.A. Jones

Mr.

Mr. _____

Room _____

Mr. Roach

Mr. Cleveland

Mr. Bartlett

Mr. Daunt

Mr. Day

Mr. Estill

Mr. Ferris

Mr. Fields

Mr. Fitzgerald

Mr. Huelskamp

Mr. Kuhrtz

Mr. Minnich

Mr. Papich

Mr. Shubatt

Mr. Wells

Miss

Miss

Miss

Mrs.

Miss

Miss _____

Room _____

Records

Routing Unit

Ident Division

Mail Room, 5531

Reading Room, 5533

Teletype Rm., 5644

Courier Ser., 1541

Please Note

and Return

See Me Please

Call Me Please

Please Handle

Note Status and

Return

Send File UTD

Place on Record

and Return

Expedite

Processing

Per call

for record

purposes

R. B. Roach

Room 7641 X-503

**ACLU Praises Rogers
and Supreme Court** *9*

NEW YORK, Jan. 2 (UPI) —The American Civil Liberties Union looking back at 1958, said men "have done better with satellites and trans-polar submarines than with themselves."

Patrick Murphy Malin, ACLU executive director, said the new Congress promises "perhaps even some positive gains" in the fields of free speech and due process.

"But in the area of Negro equality, the only victory which seems reasonably probable is a preliminary one —curbing the filibuster," Mr. Malin said in an introduction of the 38th annual ACLU report, available today.

On Little Rock, the ACLU said, "after four years of costly administration neglect, Attorney General (William P.) Rogers has undertaken its indispensable task of intellectual and moral and political leadership ..."

The ACLU praised the Supreme Court for carrying on its work "undaunted by the bills aimed at it, or the narrow margins of their defeat."

Negro Americans continue to represent our largest unfulfilled nation-wide obligation, in the segregated housing of the north as well as in the segregated schooling, arbitrarily barred voting and other discrimination in the south," the ACLU said.

Tolson _____
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Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

File 61-190
61-190 —
NOT RECORDED
126 JAN 8 1959

5-944
Wash. Post and Times Herald _____
Wash. News *9* _____
Wash. Star _____
N. Y. Herald Tribune _____
N. Y. Journal-American _____
N. Y. Mirror _____
N. Y. Daily News _____
N. Y. Times _____
Daily Worker _____
The Worker _____
New Leader _____

Date _____

744 5 29 119
67 JAN 8 1959

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 6, 1959

FROM : Mr. F. J. Baumgardner

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
INFORMATION CONCERNING
(INTERNAL SECURITY)

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
W.C. Sullivan	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

b6
b7C

Memorandum Mr. Nease to Mr. Tolson dated 12/17/58 reflected that Irving Ferman, Washington representative of the American Civil Liberties Union (ACLU), in talking to Mr. Nease advised he had information wherein [redacted] the Buffalo Chapter of the ACLU, is strongly anticommunist and Ferman gave an example by stating that sometime ago it was ascertained the communists had a plant in the Buffalo ACLU office, the plant being a female clerical employee and that [redacted] fired this woman when he found out about it.

An effort was made at the Seat of Government to identify this female employee without success. Accordingly, a letter was directed to the Buffalo Office dated 12/19/58 in this regard. By the attached letter dated 12/29/58 Buffalo advised that it has no information concerning the identity of this individual; however, it will remain alert for any information and the Bureau will be advised promptly.

ACTION:

That this memorandum be routed to Mr. Nease for his information;

Enclosure
61-190

- 1 - Mr. Belmont
- 1 - Mr. Nease
- 1 - Mr. Bland
- 1 - Mr. Baumgardner
- 1 - Mr. Kleinkauf

JHK:fk
(6)

REC-6

61-190-733

20 JAN 8 1959

EX-102

JAN 13 1959

kleinkauf

SAC, Newark

January 9, 1959

Director, FBI (100-New)

UNKNOWN SUBJECT,
COMMITTEE ORGANIZED AS A RESULT
OF A MEETING IN PRINCETON, NEW JERSEY,
IN DECEMBER 1958 FOR THE PURPOSE OF
ABOLISHING THE HOUSE COMMITTEE ON
UN-AMERICAN ACTIVITIES.
INFORMATION CONCERNING
(INTERNAL SECURITY)

Reference is made to previous communications captioned "Emergency Civil Liberties Committee" (ECLC) and "Citizens Committee to Preserve American Freedoms" (CCPAF) relative to a meeting which was held in Princeton, New Jersey, apparently at the home of James Imbrie, in December 1958 to plan and coordinate an intensive campaign calling for the abolition of the House Committee on Un-American Activities (HCUA).

LAairtel 1-6-59 captioned "Citizens Committee to Preserve American Freedoms" set forth information furnished by [redacted] concerning a report Frank Wilkinson, executive secretary, CCPAF, made to the executive board of the CCPAF of the meeting held in Princeton and announced that it had been a very private type meeting with approximately 20 people in attendance. According to the informant, Wilkinson also announced that a statement calling for the abolition of the HCUA which had been prepared as a result of the Princeton meeting would be published in the "Washington Post" on 1-7-59 and would be signed by Eleanor Roosevelt and a number of other important people. Wilkinson further stated that 12,000 signatures would be obtained by the American Civil Liberties Union (ACLU) on a petition calling for abolition of the HCUA. Wilkinson also announced that 500 telegrams had been sent to various Congressmen on 1-4-59 demanding that the HCUA be abolished rather than reorganized, and he also stated that all members

Enclosure

- 1 - Los Angeles (Information)
1 - New York (Information)

- 1 - 100-384660 (ECLC)
1 - 100-387548 (CCPAF)
① - 61-190 (ACLU)

JHK:fk (9)

MAIL ROOM

TELETYPE UNIT

NOT RECORDED

128 JAN 12 1959

YELLOW
DUPLICATE
JAN 9 1959
MAILED

ORIGINAL FILED IN

429972

b7D

100

Letter to SAC, Newark

RE: UNKNOWN SUBJECT, COMMITTEE ORGANIZED AS A RESULT
OF A MEETING IN PRINCETON, NEW JERSEY, IN DECEMBER
1958 FOR THE PURPOSE OF ABOLISHING THE HOUSE
COMMITTEE ON UN-AMERICAN ACTIVITIES

100-New

should concentrate on Congressman James Roosevelt in his
stand against the HCUA.

There is enclosed for the Newark Office a photocast
of the afore-mentioned article which appeared on page A-8 of
the final edition of the "Washington Post and Times Herald,"
dated 1-7-59. At the end of this statement was a coupon to
be clipped and mailed supporting the campaign. This coupon
is addressed "H. W. Labrie, Secretary, P. O. Box 333, Laurence-
ville, New Jersey."

b6
b7c

Reference is made to Hqrep dated 6-29-56 by SA
[redacted] captioned "James Labrie, Security Matter - C"
(Bufile 100-32348; Bufile 100-369167), page two of which reflects
that Labrie resides with his wife, Helen Wood Green Labrie. It
would therefore appear that the H. W. Labrie listed in the coupon
is identical with the wife of James Labrie. Newark is instructed
to positively identify H. W. Labrie and conduct necessary investi-
gation to determine whether a formal organization grew out of
the Princeton meeting and if so identify the specific name of
the organization. Newark should also identify all officers of
this group. Newark should also determine whether this group,
whether it is a formal organization or not, is autonomous or
whether it is acting as an ad hoc committee of the ECLC.

In furnishing the desired information to the Bureau,
Newark should submit its recommendation whether investigation
is deemed warranted as provided by Section 87A of the Manual
of Instructions. This matter should receive expeditious
attention and the desired data furnished the Bureau no later
than 1-25-59.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

FROM : Mr. R. R. Roach

SUBJECT: CIVIL LIBERTIES UNION
SPECIAL INQUIRY
CIVIL RIGHTS COMMISSION

DATE: December 24, 1958

Tolson ✓
Boardman ✓
Belmont ✓
Mohr ✓
Nease ✓
Parsons ✓
Rosen ✓
Tamm ✓
Trotter ✓
W.C. Sullivan ✓
Tele. Room ✓
Holloman ✓
Gandy ✓

Mr. George Harris, who described himself as an attorney for the Civil Rights Commission, called today and advised that he would like to be informed about the Civil Liberties Union and get an FBI evaluation of the organization. He also suggested that maybe the FBI would want to go into a project of making a thorough study of the organization, its officers, its various issues, and related matters.

Not knowing Mr. Harris or ever having heard from him before, I inquired as to the reason for his request and he stated that it was needed so that he could evaluate certain matters as they arise at the Civil Rights Commission. He stated he did not have any particular case in mind and was just "throwing out" a request to see what he could get. Mr. Harris was informed that the Bureau was not in a position to evaluate the functions and activities of the Civil Liberties Union; that we had not and were not in a position to make a study of the organization as he had indicated. It was suggested to him that perhaps he would want to review for himself certain material available and published by Congressional committees or the Library of Congress, with reference to any publications the organization may have issued and obtain the information he desired. Mr. Harris was reminded that the Civil Liberties Union is a well-known organization and that undoubtedly there was ample information available from public sources. Harris stated that he had determined that the Civil Liberties Union was not cited by the Attorney General as a subversive organization and that perhaps this was all he really needed to know. At the end of the conversation with Mr. Harris, he seemed to understand and to be fully satisfied that he should not expect the Bureau to produce a study, an evaluation or general information on the organization as he had originally requested. He stated he intended to pursue the matter no further except perhaps to get some data from Congressional committee sources.

As you know, the President's Commission on Civil Rights functions as a Commission in the Executive Branch of the Government. Persons serving on the Commission are investigated by the Civil Service Commission with the General Services Administration functioning as the administrative agency for the

RRR:jlh
1 - Mr. Nease
1 - Mr. Belmont
1 - Mr. Fitzgerald
1 - Liaison Section
1 - Mr. Roach

JAN 19 1959

REC-37

61-190-734

EX-102

JAN 12 1959

UNRECORDED COPY FILED IN 62-105-210

Memo Roach to Belmont
RE: CIVIL LIBERTIES UNION
SPECIAL INQUIRY
CIVIL RIGHTS COMMISSION

Commission's needs. We have done some name checks for the Commission relating to personnel, but such requests are normally channeled to us via General Services Administration.

very hard to do?

ACTION:

None. The above is submitted for information and for record purposes.

I would like to know re this. I did not recall we were doing this.

gpl
Q
Memo Saturday to Belmont
12/29/58 APER/mm

January 5, 1959

Mr. Patrick Murphy Malin
Executive Director
American Civil Liberties Union
170 Fifth Avenue
New York 10, New York

Dear Mr. Malin:

Thank you for your letter of December 29, 1958,
and the 38th Annual Report of the American Civil Liberties Union.
It was indeed thoughtful of you to make it available, and I am
looking forward to reading it with great interest.

Sincerely yours,

J. Edgar Hoover

MAILED 28

JAN - 5 1959

COMM-FBI

NOTE: Bufiles reflect cordial relations with Malin. The report referred
above mentions the FBI on pages 41, 43, 55, 81, 82 and 97. The Crime
Records Section is preparing an appropriate review of this report.

REC-55

JAN 12 1959

Tolson _____
Boardman _____
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Parsons _____
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W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

WHS:mrh
(3)

EX-108

53 JAN 15 1959

MAIL ROOM ☐

TELETYPE UNIT ☐

- | | |
|--|---|
| <p>2. Continued pressure for clarification of the Federal Employee Security Program, for elimination of secret informers in proceedings, and for prevention of misuse of Civil Service regulations.</p> <p>3. Continued defense of <i>habeas corpus</i> and other civil liberties of prisoners; opposition to the use of improper confessions, illegal search and seizure, and other civil rights infringements by police and lower courts; legal support of integrationists facing local police harassment.</p> <p>4. Opposition to wiretapping and electronic eavesdropping, through support of 1957 Supreme Court <i>Benanti</i> decision and promotion of appropriate legislation.</p> | <p>12. The Employee Security Bill to re-impose loyalty oaths for non-sensitive federal employees (and thus cancel the Supreme Court's 1957 <i>Cole</i> decision) was defeated in Congress, with the opposition testimony of the ACLU an important factor.</p> <p>13. Two bills, both opposed by the Union, were defeated in Congress: one would have restricted the power of federal courts to issue writs of <i>habeas corpus</i> for persons convicted in state courts; the other would have allowed federal prosecutors to use confessions made by prisoners during a "reasonable delay" in their arraignment.</p> <p>14. Before Senate hearings on labor-management racketeering and the F.C.C., the ACLU opposed the use of wiretapping by Congressional committees; ACLU affiliates continued to press for effective anti-wiretapping legislation on the state level.</p> |
|--|---|

EQUALITY BEFORE THE LAW

- | | |
|---|--|
| <p>5. Support for anti-filibuster rule to enable the Senate to take action on civil rights; strengthening of 1957 Civil Rights Act to cover other areas besides the right to vote; extension of the life of the new federal Civil Rights Commission.</p> <p>6. Support for desegregation of public schools as set forth in the Supreme Court's 1954, 1955 and 1958 decisions.</p> <p>7. Opposition to segregated housing through legislation and by ending federal aid to builders practicing racial discrimination.</p> <p>8. Revision of sections of McCarran-Walter Act which deny equal treatment and due process to aliens and naturalized citizens; support for legal recognition of the right to political asylum.</p> <p>9. Defense of the civil liberties of American Indians, with particular emphasis on implementing Secretary of the Interior Seaton's opposition to "forced termination" of federal responsibility.</p> | <p>15. The new federal Civil Rights Commission, whose creation was long advocated by the Union, commenced its public operations with an investigation into the denial of voting rights to Alabama Negroes.</p> <p>16. The Supreme Court unanimously upheld a Court of Appeals decision refusing to delay public school integration in Little Rock; the ACLU publicly urged the Department of Justice to intervene on the side of the Negro school children.</p> <p>17. The Union's New York City affiliate helped pass the nation's first statute barring discrimination in private housing.</p> <p>18. Successfully, the Union opposed the unconstitutional methods used to deport William Heikkila to Finland, and supported the fight of five Spanish sailors and three Polish refugees; the ACLU helped kill a bill in Congress intended to curb due process rights for aliens fighting deportation.</p> <p>19. Interior Secretary Fred Seaton announced in a policy statement the Administration's opposition to "termination" of American Indian tribes without their approval, thus upholding the principle of consent long supported by the Union.</p> |
|---|--|

INTERNATIONAL CIVIL LIBERTIES

- | | |
|--|---|
| <p>0. Support for the Universal Declaration of Human Rights and all treaties to implement it; opposition to "loyalty" tests for the U.S. citizens employed by international agencies, and to restrictions on foreigners having business with the U.N.</p> <p>1. Promotion of self-government and civil rights in U.S. possessions, trusteeship areas of the Pacific, and occupied Okinawa.</p> | <p>20. The ACLU helped plan the nationwide celebration of the 10th Anniversary of the Universal Declaration of Human Rights; throughout the year the Union's International Work Advisor, Roger Baldwin, actively supported civil liberties positions before the U.S. Mission to the United Nations.</p> <p>21. The ACLU assisted in a civil liberties self-audit conducted by the government of Puerto Rico; the Union aided in efforts for greater home rule for the Virgin Islands.</p> |
|--|---|

GUIDELINES FOR '59 WITH A SUMMARY OF PROGRESS AND ACTION IN '58

The American Civil Liberties Union is primarily a "watchdog" organization, on guard and ready to take action whenever a civil liberties violation takes place or is threatened. But as the Union enters 1959, its fortieth year, is a good time to announce what now seem to be the major civil liberties objectives for the next twelve months. At *national, affiliate, and chapter* levels the Union will meet these challenges in courts, in legislatures, in administrative hearings, and in appeals to public opinion through all channels of communication.

To highlight the 1958 activities, we list in corresponding paragraphs major examples of civil liberties progress during the past year. The ACLU took direct action in connection with most of these achievements; its policies on all the issues involved have long been a matter of public record.

THE 1959 PROGRAM

THE 1958 RECORD

FREE SPEECH AND ASSOCIATION

- | | |
|--|---|
| 1. Continued defense of the NAACP, Urban League, ACLU and other organizations whose fundamental First Amendment rights of speech, assembly and association remain under attack. | 1. The Supreme Court held unconstitutional an Alabama law requiring the NAACP to file the names of contributors; the ACLU challenged an Arkansas ordinance compelling disclosure of members' names; the Union's Louisiana affiliate refused to comply with a state non-subversive oath law. |
| 2. Continued opposition to censorship of books, magazines, radio, TV, and motion pictures by private pressure-groups, and by the Post Office, Customs Bureau and other units of government. | 2. The ACLU enlarged its educational campaign against censorship with a new edition of its pamphlet on the NODL; the Union's fight against the Post Office's ban on importation of foreign propaganda resulted in the release of some material. |
| 3. Extension of <i>Harmon</i> decision so as to stop Defense Department consideration of pre-induction or non-active-duty activities as a basis for discharge from reserves. | 3. In the <i>Harmon</i> case supported by the ACLU, the Supreme Court ruled that the Army must base its discharges on the soldier's military record — rather than on pre-induction political beliefs and associations. |
| 4. Support for the Southern teacher's academic freedom in the desegregation controversy; continued opposition to improper controls and questioning of students and professors by government agencies and other groups. | 4. The Union's statement protesting dismissal of professors on loyalty grounds was praised by a number of leaders in American education; some modification of the Industrial Security Program's impact on academic freedom was effected. |
| 5. Continued support for more widespread disclosure of government information. | 5. The Moss-Hennings Bill to lift restrictions on government secrecy was enacted into law; the ACLU was the only non-media organization supporting the measure. |
| 6. Defense of church-state separation by opposing use of public funds for church-administered schools, display of religious symbols on state property, sectarian instruction in public schools, and tax-exemption for church-owned commercial enterprises. | 6. In cases backed by the ACLU and its California affiliates, the Supreme Court held unconstitutional that state's church loyalty oath law; the Union helped persuade the Census Bureau to drop plans for inquiring about religious beliefs in the 1960 census; ACLU affiliates throughout the country protested the exhibition of religious symbols in public schools. |
| 7. Opposition to the House Committee on Un-American Activities through another legal challenge to its mandate before the Supreme Court, and to all legislative committees whose operations violate First Amendment rights. | 7. In a major case before the Supreme Court, the Union challenged the continued existence of the House Committee on Un-American Activities; ACLU affiliates continued to call public attention to the Committee's abuse of free speech and association in local hearings. |
| 8. Promotion of diversity of opinion on the air through review of present channel allocations and of the Federal Communications Act governing political campaign speeches. | 8. The Union's proposal that a complete review of radio and television channel allocations be made by the F.C.C. in order to promote increased diversity of opinion on the air was approved by the Senate and just failed in the House. |
| 9. Promotion of the ACLU-sponsored labor "bill of rights" to guarantee internal union democracy; defense of the right to unemployment compensation for workers fired for invoking the Fifth Amendment before legislative committees. | 9. The ACLU's widely-publicized "labor bill of rights" was urged on all international unions; the UAW became the first major union to adopt the ACLU's proposal for an independent review board to hear appeals in internal union democracy cases. |

DUE PROCESS OF LAW

- | | |
|---|--|
| 10. Opposition to any attempt made in the 86th Congress to revive the anti-Supreme Court legislation defeated in 1958. | 10. The Jenner-Butler Bill and other measures to cripple the Supreme Court's power to review civil rights cases were defeated in the Senate; the ACLU actively opposed this legislation. |
| 11. Opposition to the State Department's continued restrictive passport regulations through a challenge, in a journalist's case now before the U.S. Court of Appeals; to peacetime geographical restrictions on travel. | 11. In cases backed by the Union, the Supreme Court held that the State Department may not deny passports to citizens who refuse to sign non-Communist oaths; the ACLU was active in persuading the Senate to reject a bill designed to overrule the Supreme Court's passport decisions. |

ENCLOSURE

61 190-736

AMERICAN CIVIL LIBERTIES UNION

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Dear Fellow-Member --

Your ACLU is watching the new Congress with careful eyes.

On the surface, it seems to hold promise of real achievement in the area of human rights. A number of "Freshman" legislators in both houses emphasized their strong stand on civil liberties in their campaigns.

If this promise can be converted into votes, much can be accomplished toward ending filibusters, curbing the House Un-American Activities Committee, extending the 1957 Civil Rights Act to protect more than merely the right to vote, and in stopping bills to restrict the Supreme Court.

Arrayed against this promise is a strongly-entrenched group which, though out-numbered, will be difficult to out-maneuver. Its goals are three-fold: 1) the continued flouting of public opinion -- as well as the law of the land -- in the hamstringing of efforts by Negroes in the South to vote, to attend desegregated schools, and to assert their rights in court; 2) the perpetuation of our Maginot-Line system of security and secrecy that has weakened the nation's real security; and 3) the crippling of the Supreme Court's power to defend the Bill of Rights.

But... these die-hards can be defeated. Acting in the courts and through our Washington office, the ACLU and its 24 affiliates can help civil rights-minded Senators and Congressmen counter these die-hard forces.

Read our 112-page Annual Report, now on its way to you, and the enclosed leaflet setting forth the Union's goals for 1959 and its record in 1958. They make it clear that the ACLU is ready for the battle -- if we can end our fiscal year on January 31 in the black, and with enough margin to meet the challenges ahead. Our generous members have regularly made January our biggest income month. This year your generosity means more than ever.

If you can send \$7 -- or multiples of \$7 -- in answer to this Appeal, we can advance in 1959. The opportunity is ours -- and yours. We have only to grasp it. Whatever your contribution, small or large, use the postage-free envelope above, and mail it today.

Sincerely yours,

Ernest Angell
Chairman, Board of Directors

ENCLOSURE

1959

our 40th year

53 JAN 16 1959

REC-34

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1959

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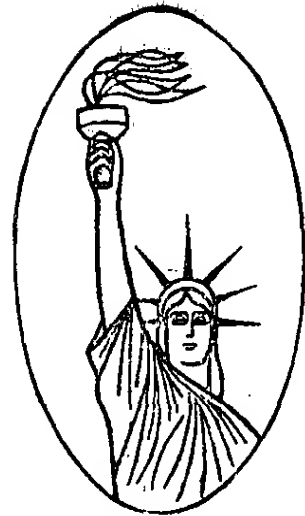
— NEW YORK HERALD TRIBUNE

"In defending the rights of those who happen to be in danger of having them violated or denied, the ACLU defends the rights of all Americans . . ."

— SAN FRANCISCO CHRONICLE

"The ACLU's mission is to fight for the preservation of the fundamental rights guaranteed by the Constitution of the United States, and it is a fight that's never won . . ."

— DURHAM, N. C., MORNING HERALD



1959 - ACLU's
Fortieth Year

Here is my \$..... contribution to the Union's **1959 SPECIAL FUNDS APPEAL** so that the **ACLU** can maintain and expand its fight for civil liberties on all fronts throughout the coming year.

(No stamp or signature needed. Simply enclose donation, seal and mail.)

REMEMBER: The Union's integrated affiliates, whose need for funds is also great, will benefit from your generosity. If you live in any of the following states or city areas, your contribution will be divided with your ACLU branch just as your membership dues are regularly shared —

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December 29, 1958

The Honorable J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington 25, D.C.

Dear Mr. Hoover:

The American Civil Liberties Union has just published its
38th Annual Report covering the period from July 1, 1957
to June 30, 1958.

The pressure of your official duties understandably makes
it impossible for you personally to read all the material
which reaches your office. But I do hope that you will be
able to find time to read the Report's introduction which
summarizes the high points in the civil liberties scene.
And perhaps members of your staff will want to acquaint
themselves with the Report's detailed sections.

I shall be most grateful for any comment you may care to
make.

10 JAN 12 1959

Your sincerely,

Patrick Murphy Malin

Patrick Murphy Malin
Executive Director

American Civil Liberties Union
170 Fifth Avenue
New York 10, N.Y.

DEC 30 1958

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CONSTITUTIONAL LIBERTY

“The Past Is Prologue”

*38th Annual Report of the
American Civil Liberties Union
July 1, 1957 to June 30, 1958*

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December 15, 1958

NOTE TO EDITORS: THIS STORY IS BEING MAILED TO YOU WELL IN ADVANCE OF THE
RELEASE DATE SO THAT THE REPORTER ASSIGNED TO THE STORY
CAN REVIEW THE ENTIRE REPORT AS WELL AS THE SUMMARY PRESS RELEASE.

FOR RELEASE: FRIDAY A.M. NEWSPAPERS, JANUARY 2, 1959

(ADVANCE) NEW YORK, N. Y., JAN. 1.--The new Congress was appraised today by the American Civil Liberties Union as "promising far less danger to free speech and due process than the old, perhaps even some positive gains." But the civil liberties organization offered its optimism guardedly.

In its 38th annual report released today, the ACLU opined there was "a reasonable probability" that the 86th Congress would act to curb filibustering, which blocks a final vote on controversial legislation. But while the Union pointed out that it "can justifiably feel a bit uplifted about the temper of the times," it characterized the anti-filibuster move as only a "preliminary" step in the drive for much-needed broader civil rights legislation.

In his introduction to the report, ACLU executive director Patrick Murphy Malin asserted that the improved civil liberties climate was noted "even before the elections, (when) Congress had negatively aided the cause of civil liberties, by not passing a parcel of restrictive bills." These bills mainly were designed to reduce the Supreme Court's power because of its decisions upholding free speech, due process and equality before the law.

"This happy outcome," Malin continued, "was due in great part to the parliamentary genius of Senator Lyndon Johnson who was doubtless somewhat motivated by party and personal considerations, but not even he could have prevailed without some principled help from both sides of the aisle..."

The Union's report, entitled "Constitutional Liberty: The Past is Prologue," lauded the courage of the Supreme Court, stating that it was "undaunted by the bills aimed at it or the narrow margin of their defeat." The Union praised the high court not only for standing firm on its school desegregation decision, but for "having gone on to do its job" in a broad area of civil liberties.

Examining the school desegregation issue, the civil liberties group noted as a favorable sign that white parents in Arkansas and Virginia, confronted by the reality of closed schools, have begun to speak out against official efforts to thwart the

- more -

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high court's decision. On the official scene, the ACLU singled out for special mention Attorney General William P. Rogers for undertaking the "indispensable task of intellectual and moral and political leadership" on the Little Rock issue "after four years of costly Administration neglect."

The 112-page report analyzed several major national civil liberties developments, with emphasis on what the 1959 scene portends.

In the area of free speech and association, the ACLU listed censorship matters high on the roster of the new year's problems. Censorship of books, magazines and motion pictures continues, on balance, to decrease at the federal and state levels, the report said, but impediments to expression "stubbornly persist on the local level and by private groups -- religious and otherwise." While recognizing the "laudable desire to guard children against obscenity, horror and crime," the report warned that "much thinking needs to be done on the increasing 'censorship by boycott'" of private religious and non-religious organizations.

Recognition that the mass media of communication must gain "regular and thorough access to government information" is advancing in federal, state and local agencies, the Union said. Declaring that the successful operation of democracy in a complex society requires a flow of such information to the public, the ACLU noted that "press releases and favoritistic leaks are not enough and concealment means bureaucratic irresponsibility."

In another free speech area, the ACLU pointed to the financing of political campaigns, observing that much needs to be done to assure "a realistic and even-handed treatment of business and labor..." Unresolved questions in this area, the report stated, is the problem of tax allowance or exemption, and of "freedom for dissident stockholders or union members." Labor unions' civil liberties continue to have "general judicial support," although still under attack, especially in the South, the report asserted.

The general trend of academic freedom appears to be "heading upward," the report noted. But it saw "anticipatory self-restraint still cutting the main nerve of academic freedom in a number of schools and colleges." Many teachers in Southern institutions are "running into bad external trouble," the report continued, "when they express agreement with the Supreme Court." And the growing demand for public funds on all levels brings with it the threat of legislative interference with academic freedom in all parts of the country, the report said.

In the area of religious freedom, the Union felt that "the free exercise by individual citizens continues to encounter relatively little difficulty." But it warned that problems arising from the First Amendment prohibition against "establishment" of religion are growing apace. Specifically cited were the Roman Catholic

desire for public subsidy of parochial schools or the exemption of Catholic parents from public school taxation and the Protestant desire for "public school encouragement - and often more than encouragement - of at least non-sectarian religious morality."

Trends affecting due process guarantees brought these comments by the Union:

- Courtroom and police practices have shown "discernible improvement," particularly by judicial and administrative action. But this advance was tempered by wiretapping's "indiscriminate invasion of privacy," despite limitations of its use and the inadmissibility of illegally obtained evidence in federal courts.
- The distortion of fair trial by tendentious pre-trial publicity and the "cruel slap-dash treatment of juvenile delinquents and the mentally ill" were regarded as "frightening problems" still to be dealt with.
- In loyalty-security cases, "the days of the numbers game are mercifully behind us," at least temporarily. But the report noted that applicants for government or defense industry jobs, rejected for alleged loyalty-security reasons, still have no adequate way of learning about or contesting these allegations, even though such charges can jeopardize their careers elsewhere.
- The way in which administrative agencies - from the Tariff Commission to the FBI - use their delegated discretion "needs penetrating and sustained examination." And the code of military justice should also be re-evaluated especially "in these days of a mass army of citizen draftees and civilian dependents living on military bases."

Two minority groups, aliens and American Indians, were mentioned as requiring additional effort to secure their equal protection under the law. Aliens, the ACLU contended, were still subject to discriminatory standards for admission and employment despite the fact that this group's due process rights were growing in the courts on matters of deportation and naturalization. Indians, according to the report, were victimized "by the rest of us who continue to commit the sin of acting without their consent." Negro Americans were listed as the minority group representing "our largest unfilled nation-wide obligation," particularly in housing segregation in the North and in segregated schooling and arbitrarily barred voting and other discrimination in the South.

The Union's survey of American activity in the international civil liberties area revealed that although the past year had been marked by a multitude of changes in international relations, "American policies in relation to international human rights showed no change whatever." The reason for the failure to advance in this field "appears to rest on the preoccupation with tensions, conflicts and diplomacy inherent in the struggle between the Western powers and the Communist world."

"The U. S. at the United Nations continued to oppose any international jurisdiction or intervention in behalf of human rights. No treaty or agreement for the protection of civil liberties was submitted to the Senate, obviously out of deference to the opposition focussed in the Bricker Amendment."

The 38th annual report, which describes hundreds of cases in which the national ACLU and its local affiliates intervened in the period between June 30, 1957 and July 1, 1958, is dedicated to Elmer Davis. The journalist and radio-TV analyst, who died last May, was a member of the ACLU National Committee for ten years.

The report's administrative section notes that ACLU membership has risen to 43,000 for the fiscal year ending January 31, 1958, an increase of about 8 percent. Membership dues and contributions during the 1957-58 period were \$360,000.

Copies of the 112-page report may be obtained from the ACLU, 170 Fifth Avenue, New York 10, N. Y., at 75¢ each postpaid. Prices for bulk orders will be given on request.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: December 31, 1958

FROM : M. A. Jones

SUBJECT: 38TH ANNUAL REPORT OF THE
AMERICAN CIVIL LIBERTIES UNION (ACLU)
COVERING THE PERIOD 7-1-57 TO 6-30-58
ENTITLED "THE PAST IS PROLOGUE"

BACKGROUND:

Captioned 112 page report has been reviewed for any items of particular interest to the Bureau. The report is dedicated to the late Elmer Davis, News Analyst, and covers the following general topics: (1) Freedom of Belief, Expression and Association, (2) Equality Before the Law, (3) Due Process Under Law and (4) International Civil Liberties. Inasmuch as this is a general report regarding the entire activities of the ACLU for the pertinent period, many items in the report of necessity touch upon matters affecting the Bureau. Following are specific topics believed of interest and not every item of possible interest is set forth. Most if not all of these matters have come to the attention of the Bureau before.

SPECIFIC ITEMS:Use of Delegated Authority

Both the news release accompanying the report and the remarks by Patrick Murphy Malin, Executive Director, reflect that "the way in which administrative agencies, from the Tariff Commission to the FBI, use their delegated discretion needs penetrating and sustained examination." There is no further elaboration on this topic.

Access to Government News and Public Records

Page 21 reflects that the ACLU backs further access to government data. The ACLU called for the President to generate a new attitude on informing the public fully.

- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Nease
- 1 - Mr. Tamm

ATTACHED

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ENCLOSURE

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(Jones to Nease Memo)

ACLU Interest in the Ku Klux Klan (KKK)

ACLU attorneys in North Carolina are following the appeal to the state Supreme Court of Ku Klux Klan members convicted for inciting to riot. The KKK meeting had been routed by a group of Cherokee Indians. The concern of the ACLU is with the right of assembly and not with agreement with the beliefs of the KKK. Page 39.

Alleged Consideration by FBI of ACLU as Subversive

Page 41 of the report reflects that Indiana State Senator Paul J. Bitz said the ACLU "is considered a subversive organization by the Attorney General and FBI Director J. Edgar Hoover." The Indiana Chapter of the Civil Liberties Union made an immediate demand for a retraction. (ACLU, of course, has not been designated as subversive.)

Loyalty and Security

The most difficult challenge facing the ACLU in the area of loyalty and security reportedly arises from the fact that all policies are now institutionalized and that, since there are fewer publicized cases of abuse, public pressure for changes has slackened. The ACLU noted improvement in the concern for the rights of witnesses before Congressional Committees. Page 73.

Release of FBI Reports

The ACLU has opposed the public release and use of FBI reports on the ground that such disclosure would violate due process rights. This report notes that this issue came up during the Little Rock episode, and the ACLU had opposed the release of the full FBI report on the grounds that names of people would be made public without a chance for refutation--a far different matter than the revelation of FBI data before "proper forums, executive agencies, grand juries, in open court trials...." Page 81.

Identification Records

Identification records and other data will continue to be given local police departments only for the purpose of detecting crime and apprehending offenders--despite a complaint from an Indiana newspaper editor who said the restriction violated the state's anti-secrecy law. The report notes the provision in the Bureau appropriation bills which calls for cancellation of furnishing such data if disseminated outside the requesting departments or related agencies. Page 82.

(Jones to Nease Memo)

Illegal Police Practices

The report relates details of a comprehensive private survey of Chicago police practices which allegedly revealed that at least 20,000 persons were detained illegally 17 hours or more. Further details of this survey are given. Page 84.

Jencks Legislation

The report reiterates reservations given in the previous year's annual report regarding the legislation designed to correct the effects of the Jencks decision. One reservation dealt with the choice of a judge to declare a mistrial or order the witness' testimony stricken from the record if the government declines to furnish a witness' statements to the FBI. The ACLU feels that it is impossible from a practical point of view to erase testimony from the minds of a jury. An additional reservation dealt with the right of a trial judge to delete portions of a witness' statement without showing those portions to the defense. Page 90.

Jesus de Galindez Disappearance

The report reflects that the ACLU had urged a full FBI investigation when Galindez first vanished. During the period of this report the ACLU issued a statement urging that the Galindez case be pushed to a final solution by a private group and by proper public authorities. It discouraged Congressional inquiry into the matter. Page 97.

RECOMMENDATION:

None. For information.

[Handwritten signature and checkmark]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: January 19, 1959

FROM : G. A. Nease *gan*

SUBJECT:

y Stanley Tracy advised me today that Irving Ferman feels he has reached the end of his rope in his present capacity with the American Civil Liberties Union and that they had gone so far to the left that he has become completely impotent insofar as his accomplishing anything is concerned and he feels he will have to leave the Union.

He has talked to Senator Bridges who wants to get him on the Republican National Committee. Senator Mundt is also interested in this. They think that he could do a real good job on the National Committee of bringing the left and right together which might be very helpful to the Republican cause in 1960. If this does not work out he plans to make some overtures to International Cooperation Administration.

✓ *✓* *gm*

GAN:sak

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Belmont	<input checked="" type="checkbox"/>
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Executive Director

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Alan Reitman, Assistant Director
in Charge of Public Relations

WEEKLY BULLETIN #1980

January 19, 1959

86th CONGRESS OPENS ON CIVIL LIBERTIES NOTE

Civil liberties issues received prime attention in the opening days of the 86th Congress, with one serious setback already recorded and another issue coming to a head.

The effort to revise the Senate rules to end filibustering went down to a smashing defeat, while in the House of Representatives a move was under way to abolish the House Un-American Activities Committee and transfer its jurisdiction to the House Judiciary Committee.

The filibuster loss, accomplished by majority leader Senator Lyndon Johnson's full control of the new Democratic Senate, dealt a real blow to hopes for legislation in the civil rights field. The anti-filibuster forces, including the American Civil Liberties Union, regarded a break-through on the filibuster as paving the way for new laws giving the federal government power to intervene in all violations of civil rights. Under the 1957 civil rights act, the government can intercede only in cases where the right to vote has been denied. The proposal to end debate by a majority vote of the Senate, after an issue had been discussed for at least two weeks, was rejected in favor of Senator Johnson's compromise of two-thirds of the Senators present and voting. The filibuster foes, who also lost their effort to have the Senate decide that it is not a "continuing body" and thus could adopt new rules at the opening of every Congress, pointed out that, in effect, the two-thirds margin was no compromise. They argued this clamped down on civil rights legislation because on such bills almost the entire Senate turns out to vote and the civil rights advocates have never been able to muster two-thirds of the Senate on their side.

The gloom created by the Senate defeat was somewhat dispelled by the attention given the House resolution introduced by Congressman James Roosevelt to end the House Un-American Activities Committee. The resolution, which would give the Judiciary Committee the power to investigate "seditious activity," was being actively discussed. There was a good chance that hearings will be held before the Rules Committee.

In a speech explaining the resolution, Rep. Roosevelt said his action was prompted by the Supreme Court's Watkins decision in 1957, holding that a witness before the HUAC should know the "pertinency" of the subject under investigation so that he can predict the consequences - indictment for criminal contempt - of his refusal to answer questions. This specificity is provided with respect to other kinds of criminal conduct, he said.

"We recognize...that the Watkins decision does not provide a remedy specific enough to curb the abuse involved in the functioning of the HUAC by its central holding," Rep. Roosevelt declared. "We have the basic constitutional question to face up to, the question whether it is possible with the present mandate of the HUAC to determine the pertinence of a question with the clarity required by the Watkins decision." The present HUAC mandate, which the ACLU has long opposed, authorizes the committee to probe "un-American propaganda."

Asserting that the present cloud of legal uncertainty must be lifted, Rep. Roosevelt said that the Judiciary Committee already has the power to probe espionage. "I have proposed," he said, "that this power be extended to all 'seditious activity.' I believe this term characterizes with greater legal precision the area of subversion in which the Congress has the constitutional power to legislate."

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

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CRIMINAL
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STATE DEPT. PASSPORT DENIAL HIT AS WORTHY CASE REACHES COURT OF APPEALS

The U. S. Court of Appeals in Washington, D. C. was asked to rule recently that an American citizen's liberty of movement could not be abridged by the State Department's denial of a passport as a tool of American foreign policy. The constitutional argument was advanced by attorneys of the American Civil Liberties Union in the case of newsman William Worthy. They urged the appeals court in a legal brief to reverse a federal district court decision that Secretary of State Dulles' refusal to renew Worthy's passport was a proper exercise of the Executive branch's conduct of foreign relations. This power, the lower court said, gave the State Department the right to restrict the travel of citizens to certain geographic areas in the world.

Worthy, a foreign correspondent for the Baltimore Afro-American, and special correspondent for the New York Post and the Columbia Broadcasting System, visited Communist China and Hungary in the winter of 1956-57 despite a State Department ban on travel to those countries. His application to renew the passport was denied last summer, after almost a year and one-half delay at the Department's administrative levels, on the grounds that his travel to the barred countries were "prejudicial to the orderly conduct of foreign relations and the interests of the United States," and that he would not promise in the future to abide by geographic restrictions.

Citing a January 11, 1958 public statement by Roderic O'Connor, the State Department's security officer, that the power to withhold a citizen's passport is "designed as an instrument of foreign policy," the brief asserted that the Department's control over travel "is utilized to stifle criticism or promote espousal of a particular foreign policy which is subject to sudden and frequent change at the whim or caprice of one official. It is China today which is off limits - tomorrow it may be Argentina, France or Indonesia."

In supporting its position that the grant of a passport has no relationship to the conduct of foreign policy, the brief emphasized that Congress has never passed a law giving the Secretary of State the power to deny travel to banned countries. The 1926 passport law, under which the State Department's 1952 regulations imposing political and other tests for passport grants were made, was merely a reenactment of the original 1856 passport law the ACLU brief said. The law had a limited purpose, it stressed, to centralize the issuance of passports in the State Department.

Declaring that "in reality, travel control is thought control," the brief reminded that the decision to close off certain foreign countries to travel by American citizens "involves the relationship of the government to its own nationals and a restriction upon their liberty. This is not the matter of foreign affairs as it would be if it involved relations between this country and foreign powers."

The brief asserted that even if the Executive branch's right to conduct foreign relations covered the grant of passports, it would still be subject to the test that only the gravest national danger could justify an infringement of the constitutional right to travel. The reasons advanced to deny Worthy's passport do not "warrant the abridgment of constitutional rights." Worthy, the brief said, has a "special property interest in his occupation as a foreign correspondent of which he has been deprived without due process. His right to travel also is clearly one of the unenumerated rights protected by the Ninth Amendment but here denied and disparaged."

In attacking the standard laid down by the State Department in denying Worthy's application, that the passport grant would be "prejudicial to the orderly conduct of foreign relations and ... to the interests of the United States," the ACLU brief said the regulation denied procedural due process "by its hopelessly vague criteria. What are the acts which are 'prejudicial to the orderly conduct of foreign relations' or 'to the interests of the United States?' These standards are not more definite than the terms 'un-American' or 'subversive,' language condemned by the Supreme Court as not susceptible of definition."

The State Department's action was also scored as an abridgment of the First Amendment guarantee of freedom of the press by refusing to allow a responsible newsman to report on news to the American public. "The Secretary has not, by law, custom or tradition," the brief said, "the right to prohibit accredited press representatives from visiting either friendly or unfriendly countries in peacetime. Such a ban is an administrative invasion of the freedom of the press guarantees of the First Amendment News coverage cannot be regulated by foreign policy fluctuations without laying the cornerstone for government press control, too tragically often in the recent past the first step on the road to tyranny."

The brief was prepared by ACLU cooperating attorneys William M. Kunstler of New York City and Walter E. Dillon, Jr. of Washington, D. C., and the ACLU's staff counsel, Rowland Watts.

IMMIGRATION APPEALS BOARD REVERSES ALIEN DEPORTATION

An alien couple whose deportation was ordered because of suspected Communist affiliation has won a reversal of this order from the Board of Immigration Appeals.

The Board indicated its reversal was based entirely on the strength of the motion filed by the couple's attorney, explaining in full the circumstances of the suspected affiliation.

The case involved Carlos Maeztu, 51, a native of the Philippines, and his wife, Victoria, 47, a native of Spain. They came to this country in 1944 after Mr. Maeztu had served in the Spanish Loyalist Army and spent four years in Spanish prisons after the war. When the Philippines became independent in 1946, Mr. Maeztu's U. S. nationality ceased and he was subject to deportation. The couple applied for American citizenship and its long court struggle began.

In 1953, their application for deportation stay was denied on the basis of information partly obtained from confidential sources. Later this decision was reversed and then reversed again to its original position. In 1957, a special inquiry officer looking into the case granted suspension of deportation, but the Acting Regional Commissioner disapproved this action. He said that he was not satisfied that "the aliens are free from communist affiliations."

Counsel for the couple, however, detailed in his motion the connection between the two and the Joint Anti-Fascist Refugee Committee. He pointed out that the Committee had paid the cost of the couple's transportation from Spain to the United States and helped them find rooms and a job. They never belonged to it and never knew until after 1950 that the group had been listed on the Attorney General's subversive list. The facts as related, counsel Albert Blumenthal said, do not seem to "constitute any reasonable basis for assuming that the respondents had any Communist affiliation or for doubting their loyalty to the principles of our government."

The appeals board then ordered the deportation of the Maeztus suspended.

SOUTHERN REGIONAL COUNCIL REPORTS ON 1958 NEGRO VOTING REGISTRATION

Registration of Negro voters in the South in 1958 has shown little change from its 1956 total, the Southern Regional Council stated in its recent special report, "The Negro Voter in the South - 1958." The report shows an increase of 24,488 more Negro registrants in 1958 than in 1956. At present, there are an estimated 1,266,488 Negroes registered in the eleven Southern states.

The SRC's report represents a follow-up of its more extensive 1956 survey on Negro voting in the South. At that time, it was found that about 25% of the eligible Negroes had registered to vote, as contrasted with 60% of the eligible white population. "This figure," the SRC said, "indicated the slow but steady growth of Negro suffrage in the region, which began with the outlawing of the white primaries in 1944."

The present report is an attempt to find what effect the legislative and subsequent social events of the past two years have had on the trend toward increased use of the ballot by Southern Negroes. "Preliminary findings...indicate that, for the region as a whole, Negro registration showed little change from the 1956 total. In some states the number of Negro registrants rose appreciably, but these gains were largely offset by sharp drops in other states due to purges and statewide re-registration," the report states.

Although the SRC cites new voting restrictions and the fanning of social prejudices by political leaders as causes for the Negro registration figures, it found that "in many parts of the South, lack of political consciousness remains the greatest barrier....All this should not obscure the fact that the trend is upward, and that the long-range prospect in the South is for a Negro registration comparable to the white."

Among other causes for the registration figure, the SRC lists 1) apathy during the years between presidential elections and 2) preoccupation of Southern Negro leaders with local discrimination problems which left little time for registration drives. Quoting Donald S. Strong, professor of political science at the University of Alabama, the report states: "'eleven years of Negro voting in the South constitute a success story', but, 'despite the progress of the past decade, it is probable that the second million votes will come harder'."

In addition to information concerning the problems of the Federal Civil Rights Commission in the South, the SRC report includes a state-by-state breakdown of developments in Southern Negro enfranchisement in the past two years.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: January 20, 1959

FROM : Mr. F. J. Baumgardner

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
REPORT ENTITLED "RECORD OF 85TH
CONGRESS ON LEGISLATION AFFECTING
CIVIL LIBERTIES"

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 Belmont _____
 Mohr _____
 Nease _____
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 Trotter _____
 W.C. Sullivan _____
 Tele. Room _____
 Holloman _____
 Gandy _____

SYNOPSIS:

Report prepared by office of Irving Ferman, director, Washington office, American Civil Liberties Union (ACLU), and furnished Mr. Nease by Ferman. Introduction by Patrick Murphy Malin, executive director, ACLU noted 85th Congress approved limited civil rights legislation; resisted efforts to curb Supreme Court's power; however, failed to re-evaluate the present Federal security system. Urged 86th Congress to further strengthen powers of Government to defend civil rights; enlighten people regarding what involved in Supreme Court decisions to avoid misrepresentation, which caused earlier attacks on Court's review powers; and observe strictly all constitutional guarantees in place of present out-dated security system. Concerning the withholding of information from the public and Congress, ACLU approved passage of Public Law 85-619 clarifying interpretation of United States Code, which some executive Departmental heads had used to withhold data. ACLU opposed legislation giving jurisdiction in every district through which obscene material traveled; final bill (Public Law 85-696) restricted jurisdiction to place of receipt and deposit. ACLU opposed efforts to circumvent Mallory decision noting that a proposed bill on admissibility would permit use of evidence although there was a delay in arraigning the arrested person; final draft defeated. ACLU argued against proposals to limit application in Federal Court of Habeas Corpus by person in state custody; bill passed House but not Senate. Report observed bills proposed to amend Section 605, Federal Communications Act, to allow use of wire tap information developed by a state under certain conditions in Federal courts; measure died in committees. ACLU objected to Government proposal that Secretary of State should retain discretionary powers to deny passports, noting ACLU itself believes American citizen has right to travel without restriction to any country not at war with the United States. Deploring the incident involving

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- 1 - Mr. Nease
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deportation of William Heikkila to Finland; ACLU opposed additional legislation aimed at limiting administrative rights of aliens under deportation; this bill, however, died in the Senate. ACLU testified against legislation designed to overrule the Supreme Court's Cole v. Young decision limiting the security program to sensitive positions and supported the proposal that a suspended employee may appeal to the Civil Service Commission for relief; no Senate action was taken on either measure. Report describes Butler-Jenner bills restricting Supreme Court's appellate jurisdiction principally dealing with security risks as heart of 85th Congress' attack on the Supreme Court, the final draft of which was never voted on. Report noted Congressional resentment to Supreme Court decisions limiting state action in the proposal to prohibit any act or intention of Congress to occupy a field to the exclusion of all state laws, which would affect racial, subversive, labor fields, etc. Other legislation attempted to reverse Court's decision in Steve Nelson case by providing Federal laws shall not prevent enforcement of any state laws in subversion or sedition fields; neither measure was passed. ACLU noted unsuccessful attempt to amend the Smith Act which it described as an effort to reverse the Supreme Court decision in the Yates v. U.S. where the Court reversed a Smith Act conviction questioning the term "organize." ACLU supported certain Congressional efforts in the labor union field, particularly as applied to internal union democracy; opposed parts of the Kennedy-Ives Bill relating to loyalty oaths for union officials and employers. Report described the Federal Civil Rights Act of 1957 as most significant and urged further efforts to broaden this legislation. ACLU supported bills to amend United States Code regarding interstate transportation of explosives and combustibles, which would enable the Justice Department to make an immediate investigation in bombing cases. ACLU supported Senate Resolution 17, which restricts debate in the Senate by providing for cloture by two-thirds of the Senate present rather than two-thirds of the full Senate. ACLU traced without comment the development of Public Law 85-269 dealing with remedial legislation involving the Jencks decision.

RECOMMENDATION:

None. For your information. ✓

[Handwritten signatures and initials]

Memorandum to Mr. Belmont

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DETAILS:

Background

To submit a brief analysis of the above-captioned report furnished Mr. Nease by Irving Ferman, director, Washington office of the ACLU on 1-12-59.

Predication of Report

The introduction by Patrick Murphy Malin, executive director, ACLU, noted the 85th Congress dealt with civil liberties in the following broad sense:

(1) Passage of civil rights legislation guaranteeing principally the right to vote.

(2) Repelled a campaign against the power of the Supreme Court by anticivil rights legislators.

(3) Failed to re-evaluate the Government's security system based on the premise that negative protection can safeguard superior U. S. strength.

Concerning the above points, the ACLU calls upon the 86th Congress to give attention to legislation which will empower the Federal Executive Branch to initiate preventive civil action in defense of all civil rights; increase public understanding of what certain Supreme Court decisions entailed to avoid common misrepresentations which prompted earlier attacks on the Court's review powers; and observe strictly all constitutional guarantees as an alternative to the maintenance of our present security system, based on a "fence" of secrecy allegedly to barricade our military, industrial and scientific superiority against all enemies. ACLU observes that our real security might be weakened by unnecessary restrictions on our civil liberties and calls for the 86th Congress to make an honest appraisal of past excesses in our security system.

There follows a brief summarization of data incorporated in the report under the following subheadings.

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Access to Government Information:

The extent of the executive power in withholding information from the public and Congress interested the 85th Congress and the ACLU, which believes any department head, in withholding information to which the public is entitled, acts contrary to the spirit of the First Amendment of the Constitution regarding freedom of speech and ultimately the expression of opinion. The report observed Representative John E. Moss (D., Calif.) introduced 1-14-58 a bill to amend Section 22 of Title 5, U.S. Code, which a number of Executive departments contended provide a base for keeping their papers secret from Congress and the public. Moss' amendment provided that Section 22 does not authorize withholding information from the public or limiting the availability of records to the public. Representatives of the ACLU testified before Moss' committee and the Senate Subcommittee on Constitutional Rights. The bill passed the House of Representatives and Senate and became Public Law 85-619 on 8-12-58.

New Curbs on Obscene Material

Widely growing public concern over dissemination of alleged obscene material was reflected in Congress. Federal Statute Section 1461 of Title 18, United States Code, makes it a crime to mail material which is obscene, lewd, etc., and this law has been held constitutional by the Supreme Court observing the test of obscenity is the effect of the material as a whole, not upon any particular class but on all those whom it may reach. ACLU observed Rep. John Dowdy (D., Tex.) introduced a bill providing penalties on anyone who mailed material which would excite obscene thoughts or acts in any person under 19 years of age. ACLU opposed Dowdy's bill and it was ultimately rejected by the House Judiciary Committee. Rep. Emanuel Celler (D., N.Y.) introduced H.R. 6239 amending the obscenity statute to apply to every district through which the obscene material passed, effecting then prosecution in any judicial district through which the material might travel. During hearings, Post Office officials noting that convictions were difficult in California, New York and New Jersey, the primary sources of pornographic material, recommended approval of H.R. 6239 because jurisdiction could then be chosen where juries might be expected to have accord with Post Office standards in obscenity. ACLU opposed H.R. 6239 because it in effect would deny a defendant the benefit of trial before a jury of his neighbors who know his reputation as is the spirit of the Sixth Amendment. H.R. 6239 passed the House of Representatives, amended by the Senate providing jurisdiction confined generally to the place of receipt and place of deposit, is now Public Law 85-696.

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Delayed Arraignment of Federal Prisoners

The Mallory decision held a confession inadmissible where obtained during a delay before arraignment as it is a violation of Rule 5(a) of Federal Rules of Criminal Procedure which directs that an arrested person be arraigned without unnecessary delay. ACLU noted considerable dissatisfaction with the decision and implications that it would hamper interrogation and investigation, prior to arraignment, of a person arrested merely as a suspect. A special subcommittee of the House Judiciary Committee considered the Mallory decision. As a result of subsequent hearings, the Committee reported out a measure prepared by Rep. Edwin E. Willis (D., La.) providing that: Evidence otherwise admissible shall not be inadmissible solely because of a delay in arraigning an arrested person and no statement, including a confession, shall be admissible unless the arrested person was advised he is not required to make a statement and any statement made may be used against him. This measure passed the House and ACLU voiced its opposition noting among other things, the measure would nullify the statutory requirement of prompt arraignment and urged that if changes regarding procedures for questioning suspects are needed, rules might be worked out and incorporated in the Federal Rules of Criminal Procedure. The Senate Judiciary Committee amended Willis' bill to read reasonable delay rather than the implied "unnecessary delay" and the Senate thereafter approved the bill. However, this bill was defeated by the parliamentary procedure of its opponents.

Limits on Habeas Corpus

Rep. Howard W. Smith (D., Va.) introduced H.R. 8361 to limit the jurisdiction of the Federal courts to hear applications for writs of habeas corpus which would in effect limit application in Federal court for habeas corpus by a person under state custody to those cases where a substantial Federal Constitutional question is involved. This bill was designated to prevent excessive use of the writ; however, ACLU argued in Congressional hearings that such limitations would in effect violate the intention of the Constitution. Smith's proposal passed the House but was never taken up by the Senate.

Wire Tapping

A key Supreme Court decision, Benanti v. U.S. (12-9-57) which held the Federal Communications Act (FCA) was violated when wire tapping evidence obtained by state officials in a state case was

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used in a Federal court prompted Senator John L. McClellan (D., Ark.) to introduce a bill to amend Section 605, FCA. This amendment would negate Section 605, when a state court believes probable cause exists to believe that wire tapping might disclose commission of a crime, thereby allowing such data to be made available to Federal courts. This bill died as did a similar one introduced by Rep. Celler (D., N.Y.).

Passport Controls

In the light of the Supreme Court decision challenging the right of the Secretary of State to restrict travel by denial of passports, several pieces of legislation were introduced in Congress, which according to ACLU, were designed to circumvent the Court decision, particularly as it applied to issuance of passports to present and former communists and to the admission of newsmen to Red China. The Administration argued during hearings that the Secretary of State should have basically discretionary powers to deny passports to persons whose travels may be inimical to best interests of the United States, such as persons, under indictment; free on bail; convicted for refusing to surrender a passport; who will travel to geographically undesirable areas; and whose travel may among other things involve the national security. Further, a person with past or present affiliation with the Communist Party (CP) and whose actions further knowingly the international communist movement must prove his travel would not further such communist activities. ACLU objected to the Administration's stand noting favorable consideration would interfere with the constitutional right to travel, over any security justifications. ACLU believes at the present that an American citizen has the right to travel without restriction to any country with which the United States is not at war. Legislation opposed by ACLU did not reach the Senate.

Review of Alien Deportation Orders

Despite the much-publicized deportation of William Heikkila to Finland while on appeal, ACLU noted Rep. Francis E. Walter (D., Pa.) introduced a bill amending the Immigration and Nationality Act which provided that an alien must file a petition for review not later than six months from the date of the deportation order. ACLU observed that under the Walter proposal, an alien might have to file a petition for Court review of his case before exhausting all possibilities of

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administrative relief and further, this bill limited judicial review of a final deportation order to a habeas corpus proceedings. ACLU noted a writ of habeas corpus can be sought only by a person in custody and since not all aliens are in custody, the proposal would be discriminatory. This bill, passed by the House, died in the Senate.

The Federal Employee Security Program

ACLU noted the 85th Congress was urged in April, 1956, by the then Attorney General Herbert Brownell, Jr., to amend Public Law 733 to allow President Eisenhower to decide whether a Federal civilian employee should be suspended during the processing of security charges against him. ACLU disagreed with Brownell's interpretation of Section I of Public Law 733 (upon which Eisenhower's Employee Security Program is based) that an employee must be suspended without pay before his hearing. ACLU pointed out some agencies interpreted the regulations to mean that employees can be transferred or reassigned to nonsensitive positions during processing of their cases. Further ACLU reported the introduction of legislation to overrule the meaning of the Supreme Court's Cole v. Young decision by redefining national security to mean all Governmental activities involving national safety, security and welfare. ACLU testified against this bill on 7-23-57 and subsequent House hearings omitted the term "welfare" in defining national security and qualified the use of the Lloyd-LaFollette Act of 1912 and the Veterans' Preference Act of 1944 concerning suspension or termination of any employee. Thus, it was proposed that an employee may appeal to the Civil Service Commission and that body's decision is binding on the agency head. These amendments were incorporated in Senate bill S.1411 which was passed by the House but not by the Senate. A Senate conference report recommended acceptance of the House amendments as valid until June 30, 1959, and the House approved the report. However, no further action was taken in the Senate.

The Butler-Jenner Bills

ACLU described this legislation as the heart of the 85th Congress' attack on the Supreme Court's power in certain key security areas, which after a bitter battle, was halted. Senator William E. Jenner (R., Ind.) introduced S. 2646, providing for a new section of Chapter 81 of Title 18, U. S. Code, relating to jurisdiction of the Supreme Court. The new section would have removed the Court's appellate jurisdiction in cases involving Congressional investigations; executive action relating to removal of employees on security grounds; statutes dealing with subversive activities within a state; local school regulations concerning subversive activities of teachers; and state requirements for admission to the bar. ACLU, Attorney General

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Rogers, the American Bar Association expressed their disapproval of the Jenner Bill. Under this pressure, Jenner accepted amendments to S. 2646 offered by Senator John Marshall Butler (R., Md.), which eliminated four of the five Jenner provisions retaining only that which dealt with bar admission. Butler's amendments in addition to removing appellate jurisdiction of the Supreme Court would remove court review of pertinency of a question a recalcitrant witness refuses to answer; extend Public Law 733 to cover all employees in the Federal Security Program; amend Title 1, United States Code, by providing no act of Congress shall exclude a similar state law; and amend the Smith Act to overcome unfavorable decisions. In May, 1958, the Senate Judiciary Committee approved S. 2646 changing the amendment pre-empting State laws to cover only the field of subversion and deleting the extension of Public Law 733 to all Federal employees. However, this bill was not placed before the full Senate for a vote.

The States Rights' Bills

Congressional resentment to Supreme Court decisions limiting state action was manifested by bills asserting state jurisdiction. Rep. Howard W. Smith (D., Va.) introduced H.R. 3, which would prohibit any act of Congress from being construed to indicate the intent of Congress to occupy a particular field to the exclusion of all state laws and further provided that no act of Congress shall invalidate a state law unless there is a direct conflict. This bill affecting the fields involving racial segregation, subversion, labor relations, etc., passed the House on July 17, 1958. In August, 1958, the Senate Judiciary Committee approved S. 654 introduced by Senator Styles Bridges (R., N.H.), which attempted to repeal the Supreme Court ruling in the Nelson case by providing Federal laws shall not prevent enforcement of any state statute prescribing criminal penalties for criminal subversion and sedition. S. 654 when brought to the Senate for consideration caused a move to substitute the Smith bill H.R. 3. However, neither measure was approved as Congress adjourned.

Smith Act Amendment

Rep. Edwin E. Willis (D., La.) proposed H.R. 13272 to overcome the effect of Yates v. U.S. wherein the Supreme Court reversed a Smith Act conviction partly on the ground that the term "organize" referred only to the official organization of the CP and not to the process of continuing organizational efforts. The Court held the CP originally organized in 1945 and as the Smith Act indictment was returned in 1951, the Statute of Limitations had run. The Willis bill redefined the term "organize" to amend the Smith Act and passed the House but no Senate action resulted.

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Labor Union Democracy Legislation

The abuse by certain labor leaders of union rights and improper financial dealings was intensively investigated by the 85th Congress. Introduction of S. 3974 by Senators John F. Kennedy (D., Mass.) and Irving M. Ives (R., N.Y.) culminated extensive hearings on this matter. ACLU was interested in parts of this bill dealing with internal union democracy. ACLU supported the sections of the Kennedy-Ives bill dealing with the filing of detailed financial reports with the Secretary of Labor by labor unions annually and the requirement that every local and international union give financial reports to its members because it would keep union membership better informed of the union's internal operations. However, ACLU feared the disclosure technique would endanger the spirit of the Fifth Amendment. The bill's provisions for secret balloting in elections would aid in prevention of dictatorial control commented the ACLU, but it did take issue with one provision barring use of local union funds in annation union election pointing out this restriction could limit union democracy by blocking dissident groups whose only source for funds may be supporting locals. ACLU opposed parts of bill preventing recourse to State courts in union elections and the extension of loyalty oaths from union officials to employers. The Kennedy-Ives bill passed the Senate but failed to get the necessary two-thirds House vote for passage.

Civil Rights Advances

ACLU described the Federal Civil Rights Act of 1957 as most significant, offering a new legal technique to make more effective the Federal Government's guarantee of constitutional rights. ACLU report goes on at great length to trace the background, introduction and eventual passage of this legislation. The report elaborates on the five parts of the Act: 1. Establishment of the Commission on Civil Rights; 2. provision for an additional assistant Attorney General; 3. strengthening of civil rights statutes; 4. provide means to further securing and protecting the right to vote; and 5. provide trial by jury in proceedings to punish criminal contempt. The report discusses briefly several bills to broaden this legislation, none of which were reported out of committee.

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In connection with this section, the report discusses the rash of bombings obviously designed to thwart enforcement of civil rights. Representatives J. Carlton Loser (D., Tenn.) and Emanuel Celler (D., N.Y.) introduced legislation to amend Chapter 39 of Title 18, U.S. Code, relating to interstate transportation of explosives and combustibles. The bills provided for a presumption that such explosives were transported across state lines, thereby enabling the Justice Department to make an immediate investigation. No action was taken on the ACLU supported bills.

Fight Against Filibuster

The power to end debate in the Senate is restricted because of Rule 22 of the Senate rules. S. Res. 30 was introduced in an effort to lift this restriction by providing for cloture by the two-thirds of the Senators present rather than by two-thirds of the full Senate. Senator Paul H. Douglas (D., Ill.) introduced S. Res. 17 which is similar to S. Res. 30 except that it allows a majority of Senators to limit debate to one hour per Senator for fifteen days following invoking of a cloture petition. ACLU supported S. Res. 17 which was scheduled to be further considered in January, 1959.

Trial Disclosure of Investigative Files

Pages 61-68 of the ACLU report are of interest to the FBI inasmuch as it pertains to remedial legislation involving the Jencks decision. The Supreme Court in Jencks v. United States held a defendant in a criminal case is entitled to see statements of Government witnesses in the possession of the FBI. ACLU traced without comment the development of Public Law 85-269 which is the amended version of S. 2377 introduced by Senator Joseph C. O'Mahoney (D., Wyo.). This law provides basically no statement made by a Government witness to a Government Agent can be subpoenaed until the witness has testified on direct examination; when a witness has testified on direct examination the Court shall upon motion direct the Government to produce any statement of the witness in its possession relating to the matter to which the witness testified; any statement believed by the Government to be irrelevant, the Court will inspect, excise irrelevant parts and transmit for defendant's use; and if the Government declines to deliver to the defendant any statement, the Court shall strike from the record the testimony of the witness and consider a mistrial.

WHATEVER YOUR SCORE

you have an interest
in civil liberties!

Protect it by joining

AMERICAN CIVIL LIBERTIES UNION



The ACLU is the only permanent national non-partisan organization devoted solely to defending the Bill of Rights for *everybody*. The Union fights for the civil liberties even of those whose anti-democratic opinions it abhors. But the ACLU bars from its governing councils all adherents of all totalitarian doctrines.

Today the ACLU with its Board and National Committee of leaders in every field, its twenty-four state and city affiliates (and their many sub-chapters), its corps of volunteer lawyers, and its experienced staff, is engaged primarily on four fronts. YOU have a stake in the American Civil Liberties Union's fight in these four areas, among others:

● AGAINST those indiscriminate federal, state and local measures which, though aimed at Communists, threaten the civil liberties of all Americans.

● TO ELIMINATE second-class citizenship for Negroes, Puerto Ricans, American Indians and other minorities.

● AGAINST both governmental and private pressure group censorship of movies, plays, books, newspapers, magazines, radio, and television.

● TO PROMOTE fair procedures in court trials, congressional and administrative hearings.

The ACLU needs and welcomes the support of all those — and only those — whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

YOU ARE NEEDED TOO — as a member of the ACLU. The Union depends on its 45,000 members (our enrollment has doubled in the past five years) for its entire support. To meet the challenge of the times, we need 10,000 new members this year.

USE THE MEMBERSHIP BLANK BELOW to become a \$10 member, if possible, but JOIN — whatever dues you can afford. You will be affiliating yourself with an important organization, and you will have a part in keeping America a home of freedom.

FREE TO ALL NEW MEMBERS:

The ACLU's authoritative Annual Report on U.S. civil liberties.

ACLU members of the following classifications receive *Civil Liberties* each month and the Union's Annual Report on U.S. liberties, and are entitled to single copies of some 25 pamphlets currently available:

PARTICIPATING MEMBER	\$100
COOPERATING MEMBER	\$50
SUSTAINING MEMBER	\$25
SUPPORTING MEMBER	\$10
CONTRIBUTING MEMBER	\$5

Associate Members at \$2 receive *Civil Liberties* and the Annual Report. Weekly bulletin is available on request to contributors of \$10 and over.

Members living in the following states and city areas also belong to the respective local ACLU organization, without payment of additional dues: *Southern California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Ohio, Oregon, Pennsylvania, Wisconsin, and Buffalo, Detroit, Lansing, Miami, New York, Philadelphia and St. Louis.* If you live in one of these areas, your chapter will automatically receive a share of your contribution. (The same plan applies to all new branches organized.) The more you give, the larger its share. *Be as generous as you can!*

All members vote in the annual election of the Union's National Committee.

AMERICAN CIVIL LIBERTIES UNION
National Office

170 Fifth Avenue, New York 10, N.Y.

Please enroll me as a NEW MEMBER of the ACLU.

Here is my \$..... membership contribution, 50¢ of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME

ADDRESS

CITY ZONE STATE

Occupation

Q 1/59

TWENTY QUESTIONS ON CIVIL LIBERTIES

You believe in the Constitution and the Bill of Rights—but how do *you* feel they should be interpreted today, in times of domestic complexity and world tension? The framers of this quiz realize that these short statements may not pose the issues with absolute impartiality, but it should tell you where you stand on many of the American Civil Liberties Union's policies (which were not all adopted unanimously by the ACLU Board—it seldom agrees 100% on any question.)

To check whether you and the ACLU agree on the statements below, put a circle around Y (for YES) if you agree; if you do not agree, circle N (for NO).

1. Government employees accused of disloyalty should have the right to know the sources of information against them and to cross-examine their accusers. Y N
2. Police and other censors should be allowed to ban books and movies such as "Ten North Frederick" or "Baby Doll." Y N
3. Personal ability alone should determine employment, regardless of the applicant's race, religion or national origin. Y N
4. The teaching of sectarian religion should be permitted in public schools. Y N
5. The character of a soldier's Army discharge should be based solely on his active duty record, rather than on his pre-induction political associations. Y N
6. State universities are justified in using a quota system to limit enrollment by members of certain racial and religious groups. Y N
7. Gerald L. K. Smith and William Z. Foster should have the same right to make public speeches as other political leaders. Y N
8. Trade unions are entitled to restrict their membership on the basis of color, religion or national origin. Y N
9. Any private individual should have the right to criticize any government or government official anywhere in the world. Y N
10. Police officials should have the right to listen in on private phone conversations. Y N
11. Employers should be permitted to state their views regarding labor unions to their workers. Y N
12. Movies, plays and books should be suppressed if they present an offensive characterization of a particular racial or religious group. Y N
13. Everyone who claims the privilege against self-incrimination when asked if he is a Communist must be one. Y N
14. Labor's right to picket includes the right to deny access to struck plants by force of numbers. Y N
15. Segregation in public schools violates the equal protection of the laws guaranteed to all Americans by the 14th Amendment. Y N
16. Everyone has the right to leave any country, including his own, and to return to his country. Y N
17. Congress should investigate political beliefs and associations in order to determine whether they are "un-American." Y N
18. The Post Office is justified in refusing to deliver unidentified foreign propaganda material to certain addresses. Y N
19. Tests of government employees' loyalty should be confined to sensitive positions involving military, atomic or international affairs. Y N
20. Public school and college teachers should be required to sign a special non-Communist loyalty oath. Y N

PLAY FAIR—DON'T CHECK YOUR SCORE UNTIL YOU ANSWER ALL TWENTY QUESTIONS. In the ACLU's opinion, you get 5 POINTS each for answering YES to numbers 1, 3, 5, 7, 9, 11, 15, 16, 19; and 5 POINTS each for answering NO to numbers 2, 4, 6, 8, 10, 12, 13, 14, 17, 18, 20.

IF YOU SCORE 75 OR MORE

then you agree substantially with the American Civil Liberties Union.

it means you belong in spirit to the ACLU.

put your belief in civil liberties to work by joining the one national organization which fights—52 weeks a year—for the liberties you cherish. Use membership blank on the other side of this quiz.

WHATEVER YOUR SCORE, SEE OVER

AMERICAN CIVIL LIBERTIES UNION

Founded 1920

National Office: 170 Fifth Avenue, New York 10, N. Y.

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Vice-Chairmen, Board of Directors

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ROWLAND WATTS
Staff Counsel

SAVE THIS QUIZ TRY IT ON YOUR FRIENDS

"The American Civil Liberties Union [is a] useful and thoroughly patriotic organization. . . . To equate patriotism with conformity, orthodoxy, and name-calling is dangerous nonsense; and this cannot be pointed out too often."

—The New York Times

"I do not agree with a word you say," said Voltaire, "but will defend to the death your right to say it." It would be hard to find a more searching test of the genuineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union."

—The Christian Science Monitor

AMERICAN CIVIL LIBERTIES UNION INCORPORATED

Ernest Angell
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E. B. MacNaughton
Chairman, National Committee
Ralph S. Brown, Jr.
Elmer Rice
Vice-Chairmen, Board of Directors
B. W. Huebsch
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Patrick Murphy Malin
Executive Director



170 Fifth Avenue, New York 10, N.Y. • ORegon 5-5990

John Haynes Holmes
Norman Thomas
Directors Emeritus

I have just seen a letter written by Ernest Angell, Chairman of our Board of Directors, to the members of the American Civil Liberties Union. I should like to share some of his thoughts with you.

On the surface, he says, the new Congress seems to hold promise of real achievement in the area of human rights, provided civil-rights minded Senators and Congressmen can make their presence felt.

But arrayed against them is a strongly-entrenched group which, though out-numbered, will be difficult to out-manuever. Its goals are three-fold: 1) the continued flouting of public opinion -- as well as the law of the land -- in the hamstringing of efforts by Negroes in the South to vote, to attend desegregated schools, and to assert their rights in court; 2) the perpetuation of our Maginot-Line system of security and secrecy that has weakened the nation's real security; and 3) the crippling of the Supreme Court's power to protect constitutional rights.

But... these diehards can be defeated. As the nation's only full-time defender of the Bill of Rights for everybody, the ACLU is ready for the battle. The Congressional votes required to enact needed civil liberties legislation are available. With your help, they will be felt here -- and all over the world!

The ACLU needs and welcomes the support of all those -- and only those -- whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK or other totalitarian doctrine. And YOU are needed now.

I hope you will become a \$10 member, but in any event JOIN -- with whatever dues you can afford. When you mail the envelope above you will be affiliating yourself with more than 45,000 fellow-Americans who believe like you in keeping the U.S. a home of freedom.

ALL MEMBERS RECEIVE: Membership card receipt, Civil Liberties nine times a year, and 112-page Annual Report on U.S. liberties.

Sincerely yours,

John Hersey
John Hersey
Member, Board of Directors

If you are already a member you will understand that list duplication is sometimes inevitable. However, as you know, a contribution from you today will go to work for civil liberties tomorrow!

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Ralph S. Brown, Jr.
Lisle C. C. Carr, Jr.
Richard S. Childs
William A. Delano
Edward J. Ennis
Morris L. Ernst
John F. Finerty
Osmond K. Fraenkel
Walter Frank
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Louis M. Hacker
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William W. Waymack (Iowa)
Stanley Weigel (Calif.)
William L. White (Kans.)
Aubrey Williams (Ala.)
Benjamin Youngdahl (Mo.)

Twenty-four ACLU Affiliates
in Twenty States

The New York Times

"The A.C.L.U. . . . has been indispensable in investigating violations of civil liberties, in publicizing them and in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force . . ."

THE ATLANTA CONSTITUTION

"The American Civil Liberties Union . . . has been praised for its work by such men as President Truman, Thomas E. Dewey and Gen. Douglas MacArthur. The ACLU is a group which fights for the rights of men everywhere to free speech, fair trial and equality before the law. Its leadership is as far removed from communism as General MacArthur himself . . ."

The Washington Post Times Herald

"The ACLU . . . has proven, over the years, that it knows and understands what true Americanism means."

NEW ORLEANS ITEM

"The ACLU is a controversial organization, yes—one that has had the courage to take an unpopular stand more than once. It has defended the constitutional rights of citizens of various creeds and political beliefs because it believes that if any American is deprived of his liberties, then the liberties of all of us are in danger. But on its record, the ACLU would seem to be about as subversive as the Bill of Rights."

THE DENVER POST

"The ACLU has stood firmly against waves of near-hysteria that have threatened, at times, to sweep away long treasured civil liberties of free speech, fair trial and equality before the law of all citizens in this country. The organization has asserted a thoughtful and justifiable viewpoint on close questions of Communists' rights. And while its concepts of civil liberties have not always been either popular or sustained by the courts, few informed persons or organizations have ever questioned the purity of its motives, the quality of its patriotism, or the depth of its courage."

Minneapolis Morning Tribune

"Over a long period of years conservatives and radicals, employers and labor unions, Americans in every walk of life and of every political complexion, have found the ACLU fighting on their side. The only provocation to action has been a civil liberty endangered . . ."

New York Herald Tribune

"The American Civil Liberties Union has won for itself an acknowledged role as watchdog of the citizen's liberties . . ."

THE CHRISTIAN SCIENCE MONITOR

"I do not agree with a word you say," said Voltaire, 'but will defend to the death your right to say it.' It would be hard to find a more searching test of the genuineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union . . ."

The Oregonian

Portland, Ore.

"The ACLU has won great distinction in its ceaseless fight against censorship, segregation and discrimination, in its battle for civil rights legislation, asylum for refugees from tyranny and in many related causes. It . . . invites the active support, by membership, of all 'whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK or other totalitarian doctrine.' In fact, it is not likely to attract birds of those feathers."

Pittsburgh Post-Gazette

"What the ACLU really stands for is the essence of Americanism, once so well expressed by Supreme Court Justice Frank Murphy when he said: 'Only by zealously guarding the rights of the most humble, the most unorthodox and the most despised among us can freedom flourish and endure in our land.'"

San Francisco Chronicle

"Both locally and nationally, the ACLU has functioned effectively for the preservation of the Bill of Rights. That is its only function. In defending the rights of those who happen to be in danger of having them violated or denied, the ACLU defends the rights of all Americans . . ."

ST. LOUIS POST-DISPATCH

"The ACLU has established its fearlessly independent reputation, and particularly its freedom from Communist control, by . . . years of evenhanded defense of a principle—the freedom principle of the Bill of Rights . . ."

The Des Moines Register

"The Civil Liberties Union . . . has defended the rights of free speech, free press, religious freedom, and academic freedom for all sorts of political groups and individuals—including race-baiters, semi-fascists, Communists, and other reactionaries as well as liberals . . ."

TOLEDO BLADE

"Formed more than 30 years ago to fight for the constitutional rights of all persons without regard to their political, religious or other beliefs, the American Civil Liberties Union has nevertheless scrupulously dissociated itself from the views of those whose rights it was defending. Although the Union has upheld the freedom of Communists to speak or to write, it has at the same time earned the hatred of Communists by demanding the same freedom for Fascists . . ."

Durham Morning Herald Durham, N.C.

"The ACLU's mission is to fight for the preservation of the fundamental rights guaranteed by the Constitution of the United States, and it is a fight that's never won . . ."

CHICAGO DAILY NEWS

"In its long history the ACLU has befriended persons of all shades of political and religious opinion . . . It would be a grave injustice to leap to the conclusion that insistence upon civil rights for alleged Communists, any more than for alleged murderers, indicates the slightest sympathy for unpatriotic or antisocial behavior. Concern for free speech, equal treatment under the law, and a fair trial before conviction is the essence of Americanism, the opposite of Communist tyranny. If this country ever acquiesces in a denial of civil rights to its humblest or most degraded citizen, it has taken a step on the road to despotism."

The Evening Star

Washington, D.C.

"The ACLU is composed of individuals of varying political faiths . . . its record is one of steadfast devotion to and defense of the civil liberties which are guaranteed to all of us by the Bill of Rights . . ."

San Francisco Examiner

"You may sometimes disagree, as we do, with the ACLU's choice of cases or its interpretations of the Bill of Rights and other constitutional guarantees. But this is an area where disagreement and dissent have gone on throughout the life of our Nation; if agreement were universal, no ACLU would be needed. The ACLU is worthy of the support of all freedom loving citizens in its current drive for new members and funds to continue its defense of American liberties."

Bergen Evening Record

Hackensack, N.J.

"If the battle for democracy in the United States is ever lost it will be lost, in a manner of speaking, over the dead body of the American Civil Liberties Union . . ."

THE CAPITAL TIMES

Madison, Wisconsin

"The American Civil Liberties Union . . . defends the right of everyone to exercise the privileges of citizenship in a free country. It has defended the right of fascists also and won the undying enmity of the Communists. While it defends a Communist's right to equal treatment before the law, as it will defend the right of any American, it is an unyielding foe of the tyranny of communism and bars Communists and other totalitarians from

FROM

MRS

CAPE COD MASS

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b7C

47

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AMERICAN CIVIL LIBERTIES UNION

170 Fifth Avenue

New York 10, N. Y.

You Can Help Defend American Liberties! Join the A.C.L.U.!

PARTICIPATING MEMBER.....	\$100
COOPERATING MEMBER.....	\$50
SUSTAINING MEMBER.....	\$25
SUPPORTING MEMBER.....	\$10
CONTRIBUTING MEMBER.....	\$ 5

Members listed above receive the ACLU's complete annual report on U.S. liberties and the monthly paper *Civil Liberties*. They are also entitled to single copies of some 25 other publications, without charge. The Union's weekly Feature Press Service, whose main content is largely duplicated by *Civil Liberties* and which is designed primarily for free distribution to the press, is available on request to contributors of \$10 and over.

REMEMBER: By joining the national ACLU you automatically become a member of any existing active local ACLU organization in your area,* which shares in your dues. The larger your contribution, the more your local will receive. (Fifty cents of each membership contribution covers a subscription to *Civil Liberties* for one year.)

Associate Members at \$2 receive Civil Liberties monthly and the Annual Report.

* Except in northern California where the local ACLU maintains its membership separately. However, the national ACLU also welcomes support from this area.

AMERICAN CIVIL LIBERTIES UNION, 170 Fifth Avenue, New York 10, N. Y.

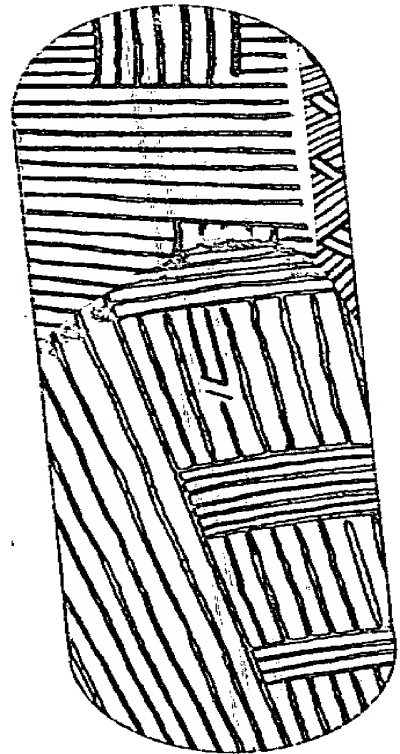
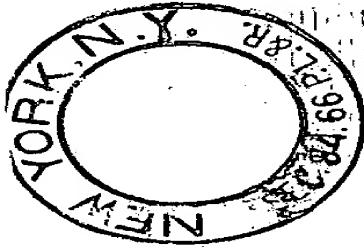
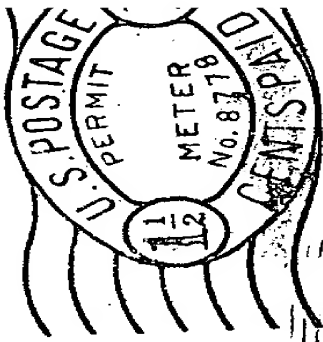
The ACLU needs and welcomes the support of all those — and only those — whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

Here is my \$.....membership contribution
to the work of the ACLU.

NOTE: This membership envelope and all the services it offers you is, in itself, without meaning or value. Only YOU can give it importance by enclosing and mailing your membership check. Your name and address already appear on the reverse flap, as a convenience to you. No postage stamp or signature is needed.



Eternal Vigilance is the Price of Liberty!



TRUE COPY

[redacted]
[redacted] CAPE COD
MASSACHUSETTS

17 January 59

Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Gentlemen:

The enclosed is forwarded, as
received, as a matter of possible interest.

Sincerely

[redacted]
CAPE COD
MASS.

mml
ack 1-23-59
DCU

2 copies typed
1-22-59
dee

4 mof
def

January 23, 1959

REC-92

Mr. [REDACTED]

[REDACTED] Massachusetts

Dear Mr. [REDACTED]

Your letter dated January 17, 1959, with enclosure, has been received, and the interest prompting your bringing this material to our attention is appreciated.

In the event you acquire further data which you believe to be of concern to the FBI, please feel free to contact the representatives of our office located at 470 Atlantic Avenue, Boston 10, Massachusetts.

Sincerely yours,

John Edgar Hoover
Director

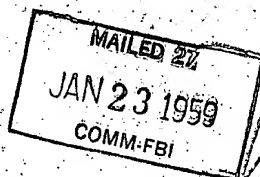
1 - Boston - Enclosure

ATTENTION SAC: Correspondent enclosed literature he had received from the American Civil Liberties Union.

NOTE: The Bureau has not investigated the American Civil Liberties Union, and some cordial correspondence has been had with its officers.

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

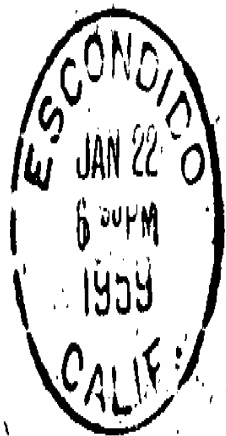
DCL:jss
(4)



JAN 23 1959

MAIL ROOM ☐

TELETYPE UNIT ☐



Mr. J. Edgar Hoover
F. B. I. Director.
Washington, D. C.

b6

b7C

Mrs



Escondido, Calif.

2E

CAPE COD
MASSACHUSETTS

17 January 59

Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Gentlemen :

The enclosed is forwarded,
as received, as a matter of
possible interest.

Sincerely,

2E

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MASS.

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2 Enclosures
ENCL. ATTACHED

ENCLOSURE

1-23-59
jw

61-190-741

JAN 26 1959

LUNCHEON AT 12:30 P.M.

Presentation of the third Florina Lasker Civil Liberties Award to

ELIZABETH ECKFORD

THELMA MOTHERSHED

MELBA PATTILLO

JEFFERSON THOMAS

CARLOTTA WALLS

39516

... for their courage and dignity in the face of prejudice and humiliation while students at Central High School in Little Rock, Arkansas, and

... for their decision to remain in their community to participate in an integrated public school system, a right which is now denied them.

(Acceptance of Award and Response by Elizabeth Eckford and Jefferson Thomas)

Address By

JOHN B. ORR, JR.

(An attorney and former member of the Florida Legislature, Mr. Orr was the only state Representative to vote against legislation designed to avoid compliance with the U. S. Supreme Court's decision on school integration.)

Presiding: CHARLES A. SIEPMANN, Chairman, NYCLU Board of Directors

PANEL SESSION AT 2:30 P.M.

CIVIL LIBERTIES AND SEPARATION OF CHURCH AND STATE

PATRICK MURPHY MALIN

Executive Director, American Civil Liberties Union

with

RALPH S. BROWN, JR.

Chairman, Connecticut Civil Liberties Union

SPENCER COXE

Executive Director, American Civil Liberties Union of Pennsylvania

GEORGE E. RUNDQUIST

Executive Director, New York Civil Liberties Union

Presiding: CHARLES A. SIEPMANN

Luncheon and Conference: \$6.00 • RSVP on Enclosed Card • Panel Session Alone: \$1.00

COMMITTEE TO SELECT THE RECIPIENT OF THE 1959 FLORINA LASKER CIVIL LIBERTIES AWARD

CHARLES A. SIEPMANN, Chairman
Chairman, Board of Directors, NYCLU

ERNEST ANGELL
Chairman, Board of Directors, ACLU

CATHERINE DRINKER BOWEN
Author of "The Lion and the Throne"
and other biographies

OSMOND K. FRAENKEL
General Counsel, Member, Board
of Directors, NYCLU

QUINCY HOWE
News Analyst

JOHN PAUL JONES
Member, Board of Directors, ACLU and NYCLU

DORE SCHARY
Author and producer of
"Sunrise at Campobello"

BENJAMIN E. YOCUM
Dean, School of Law, Washington University, St. Louis, Mo.

A LASKER CIVIL LIBERTIES

This Award of \$1,000 is possible by the trustees of the Lasker Estate, from funds set up under the terms of her will for social, civic, scientific and educational purposes. It is given to the "individual, organization or group who, by word or action, has displayed consistent and outstanding courage and integrity in the defense of civil liberties, whether in the performance of duty or above and beyond the requirements of duty, and by so doing, has made a significant and constructive contribution to civil liberties."

The recipient is selected by a national committee and the Award is presented at the Luncheon and Conference of the New York Civil Liberties Union.

The NYCLU is particularly proud that its Annual Luncheon and Conference has been chosen as the occasion for the presentation of the Awards. Miss Lasker was the first Chairman of the New York Civil Liberties Committee (predecessor of the NYCLU) from 1932 until her death in 1949, and also served as a member of the Board of Directors of the American Civil Liberties Union during that period. She was a selfless and devoted fighter for civil liberties and for the many other causes in which she was interested.

The first Award, in 1957, was presented to Roger N. Baldwin, founder of the ACLU and its Executive Director from 1920 to 1950. The recipient of the 1958 Award was Irving Dilliard, editorial writer of the *St. Louis Post-Dispatch*.

American Civil Liberties Union

The New York Civil Liberties Union
is the New York affiliate of
The American Civil Liberties Union

File

61-190
NOT RECORDED
8 FEB 4 1959

THE NEW YORK CIVIL LIBERTIES UNION
cordially invites you and your friends to
THE ANNUAL LUNCHEON AND CONFERENCE

and

PRESENTATION OF THE THIRD FLORINA LASKER CIVIL LIBERTIES AWARD

53 FEB 5 1959

Central Research
J. KLEIN
INT. SEC.

Lincoln's Birthday
Thursday, February 12, 1959
The Waldorf-Astoria
Park Avenue and 50th Street

61-190

TRUE COPY

F.B.I. Director,
J. Edgar Hoover.

Dear Sir,

I wish to receive any available information on an organization called the American Civil Liberties Union. I have been given to understand that Pres. Eisenhower, Gen. Douglas Mac Arthur, and many others have praised this group.

As the American Civil Liberties Union as come to the defense of communists ect. I wish to know if this could be a subversive organization. I have read your fine book, Masters of Deceit and can find no reference in it to this group.

Sincerely yours,

[Redacted Signature]

b6
b7C

TRUE COPY

January 28, 1959

REC-28

61-190-242

Mrs. [REDACTED]

Escondido, California

b6
b7C

Dear Mrs. [REDACTED]

Your letter dated January 22, 1959, has been received and the motive which prompted your communication is appreciated.

While I would like to be of assistance, the function of the FBI as a fact-gathering agency does not extend to furnishing evaluations or comments concerning the character or integrity of any individual or organization. I regret, therefore, that I am unable to comply with your request for information concerning the organization you mentioned. I am sure you will understand the necessity for this policy and will not infer from my inability to be of assistance that we do or do not have in our files the information you desire.

Your kind comments concerning my book, "Masters of Deceit," have been noted and are most gratifying.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

MAILED 19

JAN 28 1959

COMM-FBI

1 - San Diego (Enclosure) (See note on page 2)

SEE NOTE ON YELLOW, PAGE 2.

RDS:hif
(4)

MAIL ROOM TELETYPE UNIT

JAN 28 11 07 AM '59

RECD-BEADING ROOM

amber
John F. Kennedy
RAC

b6
b7C

Mrs.

NOTE FOR SAC, SAN DIEGO:

Enclosed is a copy of correspondent's letter. Bufiles contain no identifiable data concerning the correspondent.

The Bureau has not investigated the American Civil Liberties Union (ACLU), with headquarters in New York. The Los Angeles Chapter of the ACLU recently circulated a petition calling for the abolition of the House Committee on Un-American Activities even though this action was allegedly not in agreement with the policy of the national office. The Seattle Chapter of the ACLU in November, 1958, recommended the organization investigate the FBI; however, there has been no definite indication that this recommendation has been adopted. In this connection, your attention is directed to SAC Letter 58-82 instructing that the Bureau be advised of any action taken by the ACLU to investigate the FBI.

This data is furnished for your information.

NOTE ON YELLOW:

Correspondent requests information concerning the ACLU stating that since the organization has come to the defense of communists, she wants to know if it is subversive. She states she has read the Director's fine book but finds no reference to this organization. We have not investigated the ACLU as such and are on friendly terms with the executive director, Mr. Patrick Malin. It is believed, however, that if the correspondent is advised the organization has not been investigated, she may construe such a letter as a clearance of ACLU by the FBI. In view of the activities of chapters of the ACLU on the West Coast, it is believed that the above reply to the correspondent will best serve the Bureau's interest in this matter.

1/22/59

J. B. L. Director
J. Edgar Hoover
Dear Sir,


I wish to receive any available information on an organization called the American Civil Liberties Union. I have been given to understand that Pres. Eisenhower, Sen. Douglas, Mrs. Arthur, and many others have joined this group.

As the American Civil Liberties Union is come to the defense of Communists et. I wish to know if this could be a subversive organization. I have read your fine book, Masters of Deceit and can find no reference in it to this group.

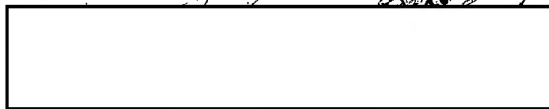
ack. 1-28-59

1. San Diego (upend)

RDS/hig

Sincerely yours, 

b6
b7C



REC-28

61-171-742

EX-135

8 JAN 30 1959

FEDERAL BUREAU OF INVESTIGATION
FOIPA
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